

DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS FOR 2015

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HEARINGS  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRTEENTH CONGRESS  
SECOND SESSION

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SUBCOMMITTEE ON HOMELAND SECURITY

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**DEPARTMENT OF HOMELAND SECURITY**

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# **DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2015**

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TUESDAY, MARCH 25, 2014.

## **TRANSPORTATION SECURITY ADMINISTRATION**

### **WITNESS**

**JOHN PISTOLE, ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION**

#### **OPENING STATEMENT: MR. CARTER**

Mr. CARTER. All right, this hearing will come to order. We are doing something that we care a lot about in this committee, we are going to talk about the Homeland Security budget and the things that go with it.

This morning we welcome Administrator John Pistole, and we thank him for being here today. We look forward to your testimony on the President's budget request for the Transportation Security Administration's fiscal year 2015.

While the outcome of the investigation of the Malaysian Airline flight MH370 is still inconclusive, we must accept it as a sobering reminder that our aviation sector remains a primary target for terrorists and that threats to aviation security continue to evolve. These threats are more sophisticated and complex than ever, but it is imperative that TSA address these threats and develop the right methods for combating them.

However, budgetary reality means we cannot simply throw money at a problem. Even if we agree on this real threat to our security, we can't do it. We must be wise in the use of limited resources and apply these resources to activities that have a real and measurable security impact.

A risk-based approach to screening and other TSA activities has been long overdue, as we make every effort to improve our security, reduce screening times, improve the passenger experience, and cut costs. This committee has consistently supported risk-based approaches to transportation security. Although the primary driver for these risk-based measures must always be improved security, I am pleased to see that in your fiscal year 2015 budget request you include a reduction of \$100 million as a result of savings related to these measures, including noteworthy reductions to screening personnel and other cost-effectiveness at the checkpoint.

This is the type of progress Congress envisioned when it directed TSA to apply a risk-based approach to aviation security, and I commend TSA for undertaking efforts to better focus its resources and

improve the passenger experience by applying such screening procedures. We can all agree that TSA can and must do better.

I have one additional point to make, and I have made this point before. Once again, this budget request uses phony, unauthorized offsets, to pay for critical aviation security measures. We have rejected such false offsets before, but unfortunately these gimmicks keep coming back, and we must keep rejecting them.

Needless to say, this Committee will most assuredly reject the administration's proposed increase in aviation security fees yet again because the necessary authorization legislation has not been enacted, legislation that is not under the jurisdiction of this Committee. Rather than these fees, we should be spending this time talking about a legitimate budget that ties funding to results and mission requirements.

Administrator, transportation security has and will remain a priority of this subcommittee. I look forward to hearing from you today about how TSA is strengthening the security of our Nation's transportation system.

I remind you that your written statement will be placed in the record, so I ask you to take 5 minutes to summarize it. But, first, I would like to recognize Mr. Price, our distinguished Ranking Member, for his opening remarks.

[The information follows:]



**The Honorable John Carter**  
**Subcommittee on Homeland Security**  
**Committee on Appropriations**  
***Transportation Security Administration: FY 2015 Budget Request***  
**Witness:**  
**Administrator Pistole**  
**10:00 AM | Tuesday | March 25, 2014 | 2359 RHOB**  
**Opening Statement As Prepared**

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Hearing is called to order --

This morning we welcome Administrator John Pistole. Administrator -- we thank you for being here today and we look forward to your testimony on the President's budget request for the Transportation Security Administration for fiscal year 2015.

While the outcome of the investigation into Malaysian Airline flight MH370 is still inconclusive, we must accept it as a sobering reminder that our aviation sector remains a primary target for terrorists and that the threats to aviation security continue to evolve. They are more sophisticated and complex than ever before and it is imperative that TSA address these threats and develop the right methods for combating them.

However, budgetary reality means we cannot simply throw money at the problem -- even as we agree on this real threat to our security. We must make wise use of limited resources, and apply these resources to activities that have real, measurable security impacts.

A risk-based approach to screening and other TSA activities has been long overdue, as we must make every effort to improve our security, reduce screening times, improve the passenger experience, and cut costs.

This Committee has consistently supported risk-based approaches to transportation security. And, although the primary driver for these risk-based measures must *always* be to improve security, I was pleased to see that your FY 15 budget request includes a reduction of \$100 million, as a result of savings related to these measures, including noteworthy reductions to screening personnel and other cost efficiencies at the checkpoint.

This is the type of progress Congress envisioned when it directed TSA to apply a risk-based approach to aviation security and I commend TSA for undertaking efforts to better focus its resources and improve the passenger experience by applying such screening procedures. But we can all agree that TSA can -- and must -- do better.

I have one additional point to make and I've made this point before. Once again, this budget request uses phony, unauthorized offsets to pay for critical aviation security measures. We've rejected such false offsets before, but, unfortunately these gimmicks keep coming back, and we just keep rejecting them. Needless to say, this Committee will most assuredly reject the

Administration's proposed increase in aviation security fees yet again, because the necessary authorization legislation has not been enacted -- legislation that is not under the jurisdiction of this Committee.

Rather than these fees, we should be spending this time talking about a legitimate budget that ties funding to results and mission requirements.

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I remind you that your written statement will be placed in the record, so I ask you to take five minutes to summarize it. But first, I would like to recognize Mr. Price, our distinguished Ranking Member, for his opening remarks.

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## OPENING STATEMENT: MR. PRICE

Mr. PRICE. Thank you, Mr. Chairman.

Welcome, Administrator Pistole. Thank you for joining us this morning to discuss the Transportation Security Administration's budget request for fiscal 2015. Your agency has a uniquely difficult task, broadly securing the transportation sector, including not only aviation, but also rail, mass transit, highways, and pipelines.

Most people associate TSA primarily with aviation security and with it occasionally long lines and other inconveniences. I travel a lot by air, we all do between our districts and the Capital, so we have experienced a fair share of those delays over the years. But we also know that TSA's work is vital to the security of the traveling public, and we can thank you and your employees for protecting us for more than a decade from a repeat of the kind of attack we experienced on September 11th.

Although we don't know what happened aboard Malaysia Airlines flight 370 in detail yet, the strong likelihood that it was intentionally diverted should remind us that threats to aviation have not gone away and that taking down a commercial aircraft is still a primary goal of Al Qaeda and its affiliates.

So perhaps we can interpret the traveling public's focus on screening inconveniences as a sign that actually TSA is doing a good job overall in carrying out its important missions. If travelers are focusing on the hassle of taking off their shoes, in part it is because we are not worried about a threat to the aircraft we are about to board. And we know from some of the briefings we have heard that that is indeed the tradeoff that we are sometimes facing.

That is not to say there isn't room for improvement. It is clear there is. We could do more to minimize delays and other inconveniences for the traveling public through the kind of risk-based security strategies that TSA has begun to employ over the last few years. You have made that a hallmark of your tenure, and I commend you for that, and I think you have delivered on it. Through improved screening processes and technologies and by expediting the screening of low-risk travelers, TSA has made great strides to improve the traveler experience while more strategically targeting resources to address risk, and I know you plan to continue further in that direction.

Most of the TSA workforce is performing admirably in what is a very difficult, underappreciated, and often strenuous job, and as was tragically confirmed last November with the shooting death of TSO Gerardo Hernandez, it is a dangerous occupation. We owe them our thanks for their service. I pass through Raleigh-Durham Airport every week, and I am invariably struck by the professionalism, the demeanor, the friendly, cordial demeanor, the kind of attitude that that workforce projects. I am impressed by that, I am very grateful for it, and I am sure that the traveling public is protected well as a result of that and the way it is replicated in airports across the country.

We do occasionally still hear about inappropriate behavior by some TSOs. Because of the difficult nature of the job, the agency has at times struggled to keep more experienced and effective

TSOs on the job. So I appreciate the efforts you have made to develop career paths in the agency and improve employer training and morale. Providing initial collective bargaining rights to the screener workforce was a good decision on your part. It should help the agency in the morale department. I hope you will continue your efforts to boost employee morale, retention, professionalism through the collective bargaining process.

I am pleased that the fiscal year 2015 request projects a savings of \$100 million associated with your risk-based efforts, allowing TSA to absorb personnel reductions through attrition. All told, TSA's efficiency efforts would result in net programmatic savings of nearly \$133 million next year, including almost 2,000 fewer positions, which more than offsets required inflationary increases in next year's budget, for a net savings of around \$60 million or around 1 percent compared to your current budget.

Unfortunately, the budget also proposes user fee increases as offsetting receipts to the tune of \$615 million. Setting aside any debate on the merits of those fee proposals themselves, the fact is that unless those fee changes are authorized, this subcommittee is stuck facing a \$615 million hole that we will have to fill from other places in the department.

So we will need to look carefully at your proposed budget, both to fully understand the risk-based efficiencies it includes and to look for other ways of finding savings while still remaining vigilant and protecting the traveling public. I look forward to your testimony and to a good discussion this morning.

Thank you, Mr. Chairman.

[The information follows:]



# COMMITTEE ON APPROPRIATIONS

**David Price (D-NC), Ranking Member, Subcommittee on Homeland Security**

EMBARGOED UNTIL DELIVERY (Approx. 10:00 AM)  
Tuesday, March 25, 2014

Media Contact: Andrew High  
202-225-1784, [andrew.high@mail.house.gov](mailto:andrew.high@mail.house.gov)

## **OPENING STATEMENT OF RANKING MEMBER DAVID PRICE** *Transportation Security Administration FY2015 Budget Hearing* *March 25, 2014 / 10:00 am*

Administrator Pistole, thank you for joining us this morning to discuss the Transportation Security Administration's budget request for fiscal year 2015. Your agency has a uniquely difficult task: broadly securing the transportation sector, including not only aviation, but also rail, mass transit, highways, and pipelines.

Most people associate TSA primarily with aviation security and, with it, occasionally long lines and other inconveniences. I travel a lot by air between my district in North Carolina and the Capital, so I've experienced my fair share of those delays over the years. But TSA's work is vital to the security of the traveling public, and we can thank you and your employees for protecting us for more than a decade from a repeat of the kind of attack we experienced on September 11<sup>th</sup>. Although we don't yet know what happened aboard Malaysia Airlines Flight 370, the strong likelihood that it was intentionally diverted should remind us that threats to aviation have not gone away, and that taking down a commercial aircraft is still a primary goal of al Qaeda and its affiliates.

So perhaps we can interpret the traveling public's focus on screening inconveniences as a sign that TSA is doing a good job overall in carrying out its important mission: if travelers are focusing on the hassle of taking off their shoes, it is in part because we aren't worried about a threat to the aircraft we are about to board.

That is not to say that there isn't room for improvement; it's clear that there is. We can do more to minimize delays and other inconveniences for the traveling public through the kind of risk-based security strategies that TSA has begun to employ over the last few years. Through improved screening processes and technologies and by expediting the screening of low-risk travelers, TSA has made great strides to improve the traveler experience while more strategically targeting resources to address risk, and I know you plan to continue further in that direction.

Most of the TSA workforce is performing admirably in what is a very difficult, underappreciated, often strenuous, and—as was tragically confirmed last November with the shooting death of TSO Gerardo Hernandez — dangerous occupation. We owe them our thanks for their service.

We do still hear about inappropriate behavior by some TSOs, however. And because of the difficult nature of the job, the agency has at times struggled to keep more experienced and effective TSOs. So I

appreciate the efforts you have made to develop career paths in the agency and improve employee training and morale. Providing initial collective bargaining rights to the screener workforce was a good decision on your part that should help the agency in this regard. I hope you will continue your efforts to boost employee morale, retention, and professionalism through the collective bargaining process.

I am pleased that the fiscal year 2015 request projects a savings of \$100 million associated with your risk-based efforts, allowing TSA to absorb personnel reductions through attrition.

All told, TSA's efficiency efforts would result in net programmatic savings of nearly \$133 million next year, including almost 2,000 fewer positions, which more than offsets required inflationary increases in next year's budget, for a net savings of around \$60 million, or around one percent compared to your current year budget. Unfortunately, the budget also proposes user fee increases as offsetting receipts to the tune of \$615 million. Setting aside any debate on the fee proposals themselves, unless those fee changes are authorized, this Subcommittee is stuck facing a \$615 million hole that we will have to fill from other places in the Department.

We will need to look carefully at your proposed budget, both to fully understand the risk-based efficiencies it includes, and to look for any other ways of finding savings while still remaining vigilant in protecting the traveling public. I look forward to your testimony and to a good discussion this morning.

# # #

Mr. CARTER. Before you begin, Mr. Pistole, we also have Mrs. Lowey here, the ranking member. We are pleased to have her here. I recognize her for an opening statement.

OPENING STATEMENT: MRS. LOWEY

Mrs. LOWEY. Thank you, Mr. Chairman. And I would like to thank Chairman Carter, Ranking Member Price for holding this hearing today.

And to Administrator Pistole, welcome, thank you for joining us.

In the year since you last joined us, TSA has expanded PreCheck to over 100 airports and is providing expedited screening to over 35 percent of the traveling public. I am pleased that in 2015 TSA expects its risk-based screening approach to yield over \$100 million in staffing efficiencies, allowing the agency to put more money into new technology to keep the traveling public safe.

These savings are important to minimize passenger wait times at airport security checkpoints, as well as flight and cargo delays. The budget calls for additional funding to assist charter passenger screening, which is a growing business, as well as \$10 million more for explosives detection systems to make sure that our screening technology is properly enhanced to protect against homemade explosives and respond better to threats from our enemies.

Administrator Pistole, you and I have worked together in the past to make sure that your employees have workplace rights and responsibilities. I continue to be concerned about morale for TSA employees, their security, and career advancement for female TSOs. I look forward to discussing these matters with you shortly. Thank you.

Mr. CARTER. All right, Administrator Pistole, you are recognized for your statement.

[The information follows:]

Ranking Member Nita M. Lowey  
Homeland Security Appropriations Subcommittee Hearing  
Fiscal Year 2015 TSA Budget  
March 25, 2014

Statement

I'd like to thank Chairman Carter and Ranking Member Price for holding this hearing today, and to Administrator Pistole, welcome, and thank you for joining us.

In the year since you last joined us, TSA has expanded PreCheck to over 100 airports and is providing expedited screening to over 35 percent of the traveling public. I am pleased that in 2015 TSA expects its risk-based screening approach to yield over \$100 million in staffing efficiencies, allowing the agency to put more money into new technology to keep the traveling public safe. These savings are important to minimize passenger wait times at airport security checkpoints as well as flight and cargo delays.

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Administrator Pistole, you and I have worked together in the past to make sure that your employees have workplace rights and responsibilities. I continue to be concerned about morale for TSA employees, their security, and career advancement for female TSOs. I look forward to discussing these matters with you shortly.

Thank you.



## OPENING STATEMENT: ADMINISTRATOR PISTOLE

Mr. PISTOLE. Well, good morning, Chairman Carter, Ranking Member Price, distinguished members of the subcommittee. I appreciate the opportunity to appear before you today to discuss the President's fiscal year 2015 budget request for the Transportation Security Administration.

Before getting into the budget matters, I want to thank members of the subcommittee for your kind expressions of support we received following the shooting at LAX (Los Angeles International) last November that claimed the life of Officer Gerardo Hernandez and wounded two other TSA employees and another passenger. We have conducted a comprehensive review following this tragedy with extensive input from both internal and external stakeholders, and we have prepared a report, which I will be releasing tomorrow ahead of testifying at a congressional field hearing in Los Angeles on Friday.

I also want to thank the subcommittee members for your strong support of several key initiatives in the fiscal year 2014 budget process, especially the support that you have indicated and demonstrated for risk-based security (RBS) efforts, which are transforming TSA's operations, strengthening aviation security, and improving customer service.

So TSA's fiscal year 2015 budget request of \$7.3 billion supports ongoing risk-based security initiatives all across our operations in an effort to provide the most effective security in the most efficient way. We have made significant progress since we began implementing RBS initiatives midway through 2011, and we plan to continue that progress.

To give some perspective to some of these changes, our fiscal year 2015 request is \$536 million less than our fiscal year 2012 budget, which is about 7 percent. Yet with this 7-percent reduction, we are screening approximately 7 percent more passengers than in fiscal year 2012 while continuing to provide mission coverage by our Federal air marshals to those highest priority flights.

In 2013 we met our goal of providing some form of expedited screening for at least 25 percent of the approximately 640 million passengers who fly every year. Today more than 35 percent of air passengers experience expedited screening each day. Passengers currently eligible for expedited screening include persons younger than 12 or older than 75; known crew members; Active Duty, National Guard, Reserve members of the military; certain other U.S. Government employees; CBP Global Entry, TSA PreCheck, and other certain trusted traveler programs; and other passengers who we determine to be low risk, of course including those on honor flights and wounded warriors.

TSA PreCheck is a key RBS initiative that expedites security screening for low-risk travelers at hundreds of checkpoints every day. To accommodate TSA PreCheck expansion we have taken the following actions. First, we expanded the number of airports participating in TSA PreCheck from 40 to 118 today. Second, we increased the number of expedited screening lanes from 46 to 600, with each lane capable of doubling hourly throughput. Third, we

have increased the number of participating U.S. airlines from six to nine in a great partnership with the air carriers.

To expand the TSA PreCheck eligible population further, we began an application enrollment program in December, since which time we have had more than 120,000 passengers sign up for TSA PreCheck benefits.

Now, our 2015 budget request, in that request we have prioritized key operations, and we are proposing targeted reductions and efficiencies and modest enhancements or redirection of resources. This end result is, as you noted, Chairman and Ranking Member, both Ranking Members, is a decrease of approximately \$60 million in budget authority and 2,034 full-time equivalent positions from our fiscal year 2014 budget. The efficiencies under RBS account for more than \$100 million, in fact \$142 million when looking at all aspects, including explosive detection system efficiencies and some other things, and I am sure the committee knows that the efficiencies we have realized are greater than that, including the President's 1-percent pay raise and retirement benefits and about \$40 million in other enhancements, all funded in our request.

The Bipartisan Budget Act of 2013, signed into law December 26, requires TSA to continue staffing those airport exit lanes it staffed as of December 1, 2013. At two-thirds of the Nation's airports, exit lane access control functions are the responsibility of airport operators, so TSA does that in about 150 of the 450 airports. The requirement for TSA to meet exit lane access control responsibilities at selected airports is accommodated in the fiscal year 2015 request at a cost of \$93 million, which was previously planned as recurring annual savings.

Our 2015 budget request includes two proposals to increase offsets, as has been noted, \$615 million through increasing the Aviation Passenger Security Fee from \$5.60 to \$6 per one-way trip and the \$420 million from continuing to collect the Air Carrier Fee at current levels. As in the past, this request aligns the cost of security to those who benefit most.

We also gain some budget efficiencies through realignment, including consolidating canine operations in the aviation security approps, and our VIPR team operations, the Visible Intermodal Prevention and Response, in the surface transportation approps, while retaining the multimodal mission of these teams. We are also proposing realigning the funding of the Federal Air Marshal Service under the aviation security appropriations.

We are committed to improving the professionalism and performance of our workforce. We have completed leadership training for nearly all of our more than 3,000 supervisory TSOs (transportation security officers), and we are implementing similar training for lead TSOs and transportation security managers, all key enablers of risk-based strategies across the country. We have implemented an integrity testing program, which covertly tests the honesty of officers facing opportunities for theft, and over the past 15 months we have conducted more than 3,000 tests involving more than 10,000 employees at 126 airports with over 99.7 percent of our employees handling the items properly. The few employees who failed to adhere to our integrity standards were fired under our zero tolerance policy.

In conclusion, as we continue applying risk-based security principles to strengthen transportation security, we must also continue shaping and investing in the workforce we need to enable our future successes. We are becoming a smaller, more capable force, and I am committed to ensuring we develop, train, and equip our people to meet our mission responsibilities.

Mr. Chairman, Ranking Member, thank you again for this opportunity to discuss the President's budget.

[The information follows:]

**Statement of John S. Pistole, Administrator  
Transportation Security Administration  
U.S. Department of Homeland Security  
Before the  
United States House of Representatives  
Committee on Appropriations Subcommittee on Homeland Security  
March 25, 2014**

Good morning, Chairman Carter, Ranking Member Price, and distinguished Members of the Subcommittee. Thank you for the opportunity to appear before you today to discuss the President's Fiscal Year (FY) 2015 Budget Request for the Transportation Security Administration (TSA). The 2015 Budget Request of \$7.3 billion in total budget authority supports TSA's ongoing efforts to apply risk-based security principles across all operations while also capturing some of the savings that result from these improvements.

TSA's mission is to protect the Nation's transportation systems, including aviation, mass transit, rail, highway, and pipeline, to ensure freedom of movement for people and commerce. Each year TSA screens approximately 640 million domestic and international aviation passengers and 1.5 billion checked and carry-on bags. TSA also manages the security of an inter-related, multi-modal, transportation network encompassing 751 million passengers traveling on buses each year, more than 10 billion passenger trips on mass transit per year, 24 million students daily on school buses traveling more than four million miles annually, nearly 800,000 shipments of hazardous materials transported every day (95 percent by truck), more than 168,000 miles of railroad track, 3.9 million miles of roads, 604,000 bridges each spanning over 20 feet, 366 highway tunnels each over 100 meters in length, and nearly 2.6 million miles of pipeline. To fulfill this vital mission, TSA employs a layered approach to security through a well-trained frontline workforce, state-of-the-art technologies, intelligence analysis and information sharing, behavior detection techniques, explosives detection canine teams, Federal Air Marshals (FAMS), and regulatory enforcement. This multi-layered approach helps to ensure the security of the traveling public and the Nation's transportation systems.

I would like to thank the Subcommittee members for your strong support of several key initiatives we have undertaken to achieve our goal of continuing to evolve into a high-performing, intelligence-driven, counterterrorism agency that applies risk-based principles to deliver the most cost effective security in the most efficient manner. I am especially grateful for your support for our Risk-Based Security initiatives which are transforming TSA's operations. TSA's Risk-Based Security (RBS) initiatives in aviation passenger screening have enhanced security, achieved savings, and improved the passenger experience. I ask for your support for the President's FY 2015 Budget Request for TSA to allow us to continue to expand our RBS programs as we transition to a smaller, more capable agency balancing our investments in people, processes, and technology.

Since its creation, TSA has continuously refined and evolved our security approach by examining the procedures and technologies we use, while ensuring the freedom of movement of people and commerce. TSA's mission performance and ability to achieve its shared goals and

responsibilities of security is enhanced by the expectations for every TSA employee: hard work, professionalism, and integrity.

TSA functions as a critical component of our Nation's counterterrorism efforts with a highly dedicated workforce working around the clock and across the globe to execute our transportation security responsibilities. In an effort to continue to strengthen security and move away from a one-size-fits-all approach to passenger screening, TSA began implementing a series of RBS initiatives in 2011. Since then, TSA has continued expansion of risk-based security efforts by adding new programs and expanding existing intelligence and information screening to identify lower risk passengers. As you know, I set an internal goal of having 25% of travelers receive expedited physical screening by the end of calendar year 2013 and then 50% by the end of 2014. These goals were intended to spur development and expansion of risk-based security within the passenger screening context. As a result, over 35 million travelers have received TSA Pre✓™ expedited screening and up to 35 percent of passengers experience expedited screening each day. The vision of risk-based security is to increase overall aviation system security by focusing on high-risk and unknown passengers while expediting known or trusted travelers. TSA is continuing to augment intelligence and information screening to identify lower risk passengers that may receive expedited screening.

The TSA Pre✓™ program is a key RBS initiative that allows us to expedite security screening at aviation checkpoints for low-risk passengers. As you know, passengers may qualify for the TSA Pre✓™ program as a frequent flyer with their airline, through a Department of Homeland Security Trusted Traveler program such as TSA's Pre✓™ Enrollment or Global Entry, or as a member of the U.S. Armed Forces. Additionally, TSA uses real-time and intelligence based methods, such as Managed Inclusion and Secure Flight Risk Assessments to identify additional passengers eligible for TSA Pre✓™ screening. To accommodate TSA's expansion of program eligibility to a greater number of low-risk passengers, TSA has taken the following actions: expanded the number of airports participating in TSA Pre✓™ from the initial 40 to 117 airports; increased the number of expedited screening lanes from 46 to 600, with each lane providing the capability for doubling hourly throughput; and increased the number of U.S. airlines participating in TSA Pre✓™ from six to nine in FY 2013, with plans of continued expansion as airlines are ready. Today, TSA provides expedited screening to over 35% of the traveling public.

In an effort to expand the TSA Pre✓™ eligible population, TSA began the TSA Pre✓™ Application Program in December of 2013. This fee-based program allows TSA to extend expedited screening access to passengers who have voluntarily provided basic personal identifiable information, submitted to a background check, and been approved by TSA. As of February 27, 2014, more than 71,000 individuals have applied for the TSA Pre✓™ Application Program, and TSA receives an average of approximately 2,700 applications a day. By the end of April, we expect to have more than 300 application centers available nationwide, to help facilitate enrollment in this popular program.

TSA is applying the principles of RBS to other elements of transportation security where more efficient targeting of resources using robust intelligence and analysis will maintain and

even increase our security posture. The FY15 Budget request reflects risk analysis and prioritization in areas such as screening operations, FAMS deployment, Visible Intermodal Prevention and Response (VIPR) teams, and Federal Flight Deck Officers (FFDO).

#### *Budget Highlights*

TSA's FY 2015 Budget request of \$7.3 billion reflects a total gross discretionary decrease of \$59.4 million, or less than one percent, and 2,034 Full Time Equivalent (FTE) positions from FY 2014. While proposing an overall reduction in funding through targeted reductions and efficiencies, TSA has prioritized key operations by continuing to support RBS initiatives, enhancing air cargo and canine operations, investing in Secure Flight system requirements, funding HSPD-12 credentialing for enhanced security, and continuing the recapitalization of aging electronic baggage screening systems. The request also accommodates government-wide adjustments such as a one percent pay increase and increased retirement costs.

The fees TSA collects from passengers and airlines have remained largely the same since 2002, while the agency's costs have grown. TSA's budget request includes two proposals to increase aviation security offsetting revenue collections by \$615 million in FY 2015 through increasing the Aviation Passenger Security Fee and continuing to collect the Air Carrier Fee. The passenger fee proposal adjusts the fee from \$5.60 per one-way trip to \$6.00 per one-way trip, generating an additional \$195 million in offsetting collections. This proposal builds on the fee adjustment enacted in the *Bipartisan Budget Act* last December and mirrors previous Budget proposals. Similar to previous proposals, beginning in FY 2016, the Passenger Fee would increase 50 cents each year until it reaches \$7.50 in FY 2018. The majority of the increased fee revenue would be available to offset TSA's costs while a portion of it will be used to help fund the President's Opportunity, Growth, and Security Initiative. The Air Carrier Fee, which has been in place since 2002 is proposed for reinstatement at \$420 million for FY 2015, the same level it has been since FY 2010. If the proposal is not enacted, the Air Carrier Fee will be repealed on October 1, 2014, eliminating a significant source of revenue for TSA. These proposals will further align the cost of passenger security operations to the direct beneficiaries of these security services and provide TSA greater financial flexibility to satisfy aviation security costs.

TSA also requests budget realignments to gain operational and management efficiencies. These include consolidating canine operations in the Aviation Security appropriation and Visible Intermodal Prevention and Response (VIPR) operations in the Surface Transportation Security appropriation, while retaining the multimodal mission of those teams, so that they can be better deployed based on risk. In addition, TSA proposes realigning the funding for FAMS under the Aviation Security appropriation, to better reflect TSA's organization and management structure and enable the Agency to more rapidly apply its law enforcement and related resources to meet emerging threats. Finally, TSA also proposes to realign resources for intelligence activities from the Transportation Security Support appropriation to the Intelligence and Vetting appropriation (formerly known as Transportation Threat Assessment and Credentialing). This realignment will enable TSA to combine the intelligence and vetting functions to inform daily operations and enhance mission effectiveness.

### *Risk Based Security Efficiencies*

The FY 2015 Budget reflects TSA's continued focus on maturing into a high-performing counterterrorism organization that applies intelligence-driven, RBS principles across all operations.

TSA's budget request includes a reduction of \$100 million and 1,441 FTE from the Transportation Security Officer (TSO) workforce, and associated support costs, as a result of savings related to RBS. Since the agency's inception, TSA has significantly mitigated terrorist threats through a multi-layered approach to security. RBS principles will assist TSA in providing the most effective security in the most efficient manner. For example, TSA Pre✓™ enables known and trusted passengers to more quickly move through the checkpoint, increasing the efficiency of both standard and TSA Pre✓™ security lanes. TSA anticipates that incorporating RBS principles into its operations will result in a smaller more capable workforce to implement new initiatives necessary to achieve our goals. In addition to checkpoint-related RBS savings, the Budget includes a \$22 million in savings from a reduction of 387 TSO FTE, resulting from efficiencies gained from prior year investments in optimal electronic baggage screening systems.

### *Reduced Playbook Operations*

TSA's budget request includes a reduction of \$20 million and 302 FTE from the screener workforce and associated support costs, as a result of reducing TSA Playbook operations. Playbook, part of the various security layers operating at our Nation's airports, serves to mitigate both passenger and insider threats using a range of proven tactics, techniques and procedures which added unpredictability and flexibility to security initiatives. This reduction reflects efficiencies gained through the implementation of RBS which will allow TSA to reduce the resources devoted to Playbook, while maintaining the layer of security with a more targeted focus on risk.

### *Exit Lane Funding*

The *Bipartisan Budget Act* also requires TSA to continue staffing those airport exit lanes it staffed as of December 1, 2013. The requirement for TSA to meet exit lane access control responsibilities at selected airports is accommodated in the FY 2015 request at a cost of \$93 million, which was previously planned as a recurring annual savings. At two-thirds of the Nation's airports, airport operators control access at exit lane access control by using technology or personnel. Staffing of exit lanes for access control remains a function that does not require personnel qualified and trained as screener personnel. TSA is assessing options for realizing efficiencies and appropriately satisfying access control functions.

### *Screening Partnership Program (SPP)*

Since 2012, TSA has received applications from six additional airports to join the SPP, and approved all within the statutorily mandated 120 day period. Requests for Proposal have been released for all of these airports, with awards expected during the remainder of FY 2014,

provided that the criteria set forth in law are met. TSA recently awarded a new screening services contract for Kansas City International Airport, and will be re-competing four more current SPP airports in FY 2014. These new contracts will reflect efficiencies realized from RBS, similar to those from the federalized workforce, and are designed to ensure that contractor costs meet TSA security standards without detrimentally affecting cost efficiency.

*Federal Air Marshal Service*

TSA's budget request includes a reduction of \$19.5 million to the FAMS program from FY 2014. This reduction reflects efficiencies and program changes that leverage other aviation security system enhancements, allowing for more targeted mission deployments focused on higher risk flights. As part of that effort, TSA has evaluated the field structure of FAMS regional offices, and will be relocating operations in several locations to reduce our field offices from 26 to 20, and more advantageously position personnel to cover flights that require the presence of an armed marshal.

TSA analyzed flight schedules, airline industry projections, travel trends, risk, intelligence, vulnerability, and other factors to determine future office staffing levels and work locations and was geared to increasing the overall effectiveness of risk-based operations. The primary mission of FAMS is linked to commercial aviation and maintaining a risk-based deployment strategy requires that we locate field resources closer to airports that service high-risk routes with high-risk aircraft. This realignment will maximize the effectiveness of FAMS, support personnel, and available budgetary resources by enhancing the ability of the organization to schedule FAMS on missions of the highest criticality. Additionally, the realignment will realize long term savings by reducing overhead costs.

*Visible Intermodal Prevention and Response Teams (VIPR)*

TSA's Budget includes a reduction of \$15.2 million to the VIPR program from FY 2014. This initiative reduces the number of teams from 37 to 33, and will result in less than a five percent reduction in VIPR missions, which ensure a readiness capability to immediately deploy to augment local multi-modal security operations nationwide or respond to specific requirements and emerging intelligence. VIPR missions also serve as a deterrent to transportation threats. The reduction in VIPR teams will support a shift of 65 Inspector FTE to dedicated inspection duties and security oversight operations and save \$10.9 million.

*Federal Flight Deck Officer (FFDO) Program*

TSA's budget request includes a reduction of \$4.9 million and three FTE to the FFDO program from FY 2014. This reduction reflects efficiencies to be gained with the implementation of an Inactive Reserve Force, the consolidation of requalification facilities, and the elimination of unfilled program management vacancies.



*Transportation Worker Identification Credential (TWIC)*

TSA is well on the way to implementing the requirement from the 2012 U.S. Coast Guard Reauthorization Act to reduce the number of visits necessary to obtain a TWIC card. Traditionally, those needing a TWIC to gain unescorted access to regulated ports have had to make two visits to an enrollment center – one to make the application, and the second to pick up the card and load their biometrics. Currently TSA is operating two pilots, called OneVisit, to test procedures and processes for mailing TWIC cards to applicants in Alaska and in certain locations in Michigan. Nationwide implementation is planned in the third quarter of FY 2014, when TSA's Technology Infrastructure Modernization (TIM) program, the updated credentialing system, achieves initial operating capability, allowing an automation of the OneVisit process. TSA would like to thank the Subcommittee for its continued support of TIM.

*Explosives Detection Systems (EDS)*

TSA's request includes an increase of \$10 million for the base restoration of the EDS Procurement and Installation Program Project Activity from FY 2014. Approximately \$7 million will allow TSA to continue software upgrades needed to reduce security vulnerabilities by enhancing detection capabilities for homemade explosives and reducing false alarm rates for approximately 400 Medium-speed Explosives Detection System (MSEDS) units located at 28 Category X and I airports. In addition, \$3 million will support the purchase and installation of two MSEDS units in support of recapitalization efforts.

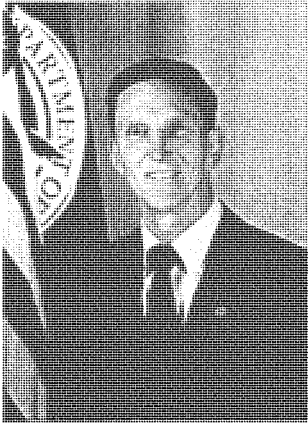
*Large Aircraft & Private Charter Passenger Screening Program*

The *FY 2004 Intelligence Reform and Terrorism Prevention Act* mandates that DHS make advanced passenger prescreening available to both charter and aircraft greater than 12,500 pounds flying into, out of, or within the United States. The FY 2015 request of \$12.7 million funds the hardware and software necessary to meet critical Secure Flight system requirements and to handle the anticipated 11 million additional passengers who will be covered, adding a significant layer to TSA's aviation security operations. So that TSA can make the appropriate modifications to the Secure Flight system, processes and procedures to vet these populations, funding for this initiative is required at least six months prior to the effective date of the forthcoming General Aviation Security rule, of which the Supplemental Notice of Proposed Rulemaking is anticipated to be published within the next year, and the Final Rule expeditiously thereafter.

Mr. Chairman, thank you again for this opportunity to discuss the President's 2015 budget request for TSA. I look forward to our continued work together and would be pleased to respond to your questions.

## John S. Pistole

### Administrator, TSA



John S. Pistole was confirmed as the Transportation Security Administration's fifth administrator in July 2010. As TSA administrator, he oversees management of a 60,000-strong workforce, the security operations of more than 450 federalized airports throughout the United States, the federal air marshal service, and security for highways, railroads, ports, mass transit systems and pipelines.

Under his leadership, TSA continues to grow as a risk-based, intelligence-driven counterterrorism agency dedicated to protecting the U.S. transportation systems.

Pistole came to TSA as a 26-year veteran of the FBI with extensive national security and counterterrorism experience. After the tragic events of September 11, 2001, he was in charge of the FBI's greatly expanded counterterrorism program, eventually becoming the FBI's executive assistant director for counterterrorism and counterintelligence. In 2004, Pistole was named deputy director for the FBI.

Pistole has led or been involved in several high profile investigations, including the attempted car bombing in Times Square on May 1, 2010; the December 25, 2009, attempted attack on Northwest Flight 253; the plot against New York City subways in 2009; the 2006 UK liquid explosives plot; and the May 2003 suicide bombings of three housing compounds in Riyadh, Saudi Arabia, in which 35 people died, including nine Americans.

Pistole began his career as a special agent with the FBI in 1983, serving in the Minneapolis and New York divisions before his promotion to supervisor in the organized crime section at FBI headquarters in Washington, D.C. In 1999, as assistant special agent in charge in Boston, he helped lead investigation and recovery efforts for the Egypt Air Flight 990 crash off the coast of Rhode Island.

In 2007, Pistole received the Edward H. Levi Award for Outstanding Professionalism and Exemplary Integrity. He is a recipient of the 2005 Presidential Rank Award for Distinguished Executive.

Pistole practiced law for two years prior to joining the FBI. He is a graduate of Anderson University (Indiana) and Indiana University School of Law – Indianapolis. He is married and has two daughters.

## RISK-BASED SECURITY

Mr. CARTER. Administrator Pistole, as I mentioned in my opening remarks, I was pleased to see that your fiscal year 2015 budget request includes a reduction of \$100 million as a result of savings related to risk-based security, as you were just stating. I would like you to briefly describe to us how these initiatives are improving security and reducing costs.

But first, as you know, Congress has imposed a cap on the number of screeners TSA may hire. Do you think that by expanding risk-based security programs such as TSA PreCheck and the use of advanced technologies, you can effectively reduce the number of Federal screeners that TSA requires to screen passengers?

Second, TSA's Managed Inclusion is being used with growing frequency to identify passengers for expedited screening, even when these passengers are not enrolled in PreCheck. How does TSA ensure that passengers selected for expedited screening through Managed Inclusion do not represent a threat to aviation security? How is TSA going to compel the typical traveler to enroll in the PreCheck program if there is a strong likelihood of him or her being able to utilize the program through Managed Inclusion?

Mr. PISTOLE. Thank you, Chairman Carter. The whole premise of risk-based security is that the vast majority, if not everybody traveling every day, the 1.75 million people that we screen every day, are low risk, and so how can we differentiate between those people based on some prescreening, based on information that they share or we already know about them, such as certain government employees.

And so if we can expedite their physical screening, we can provide not only a more efficient operation—for example a TSA PreCheck lane can accommodate upwards of 300 people per hour vice that of a standard lane, which is perhaps half of that, 150 passengers per hour—so we become more efficient in terms of providing that same level of security because of that prescreening we have been able to do through Secure Flight and through other means.

So the notion is how we can expand that. And that is why we have expanded the number of lanes, as I mentioned, from 46 to more than 600. Now about half of those are open all the time; the checkpoints are open. The other half are open only during the busiest times, in the morning and afternoon typically, early morning, late afternoon.

When it comes to managed inclusion, that is one of our ways that we can manage the queues, so if there is a TSA PreCheck lane that is not being utilized and there is a long line in a standard lane, then we use one of three or four criteria in combination in our layered defenses to invite people who have not signed up necessarily for TSA PreCheck to go through the expedited screening.

Those criteria include, one, knowing they are not on the terrorist watch list, so that is obviously a key enabler; two, we have behavior detection officers who observe them and have not observed any suspicious behavior; and then, three, we either have passenger-screening canines, bomb-sniffing dogs that are looking for our highest threat, that being a nonmetallic IED (improvised explosive de-

vice) that might be on a person, such as Abdulmutallab on Christmas Day 2009, or we have a higher random rate of explosives trace detection, basically the swabbing of the hands and accessible property getting onto a plane to, again, assess for that highest risk.

So given those three or four criteria, then, as both a queue management tool and a way of buying down risk and providing more a efficient operation, we do include that.

Now, I mentioned that as we have more and more people sign up for TSA PreCheck, we will do a tapering of the managed inclusion, if you will, to cut back on that. So we want people who are signing up to get that premium service, if you will, and so as more people sign up, I mentioned 120,000, plus the 1.2 million in Global Entry we see, we will be cutting back on the managed inclusion on an airport-by-airport, lane-by-lane basis.

Mr. CARTER. Will you consider allowing airports to participate in the enrollment process?

Mr. PISTOLE. We are still looking at a couple proposals from some consortiums that have come to us in response to a request for proposals last year, and airports in at least one of those proposals play a key role. And I have had conversations with several key leaders from the associations on that. We are still assessing that in terms of both the viability, which I think there is a lot of opportunities there, and the feasibility and the cost and all those issues, privacy issues, all those things. But that is something that we are still exploring.

Mr. CARTER. Mr. Price.

#### AUTOMATIC DEPLOYABLE FLIGHT RECORDERS

Mr. PRICE. Thank you, Mr. Chairman.

Administrator, I want to ask you about deployable black boxes. The missing Malaysian Airlines flight jetliner has raised many questions relevant to several executive agencies, including TSA and the Department of Transportation. There has been a massive international search, so far turned up no trace of the plane. But even if we eventually find the plane, or some portion of the plane, many questions are going to remain until we have information that is contained in the flight data recorders or black boxes.

Homeland Security angle in this record is clear. We need to know as soon as possible if there is a nexus to terrorism, not only so that we can take any appropriate steps to strengthen TSA's security posture, but also to avoid taking any inexpensive unnecessary steps if terrorism can be ruled out.

But we all know recovering those black boxes and the data they track is no simple matter. The Malaysian Air flight reminds us of this. But nearly every major commercial air accident that has occurred over water or in remote areas has resulted in a costly and time-consuming recovery process. In many cases, including the planes that brought down the twin towers, the boxes are never recovered. And some recorders that are found are too damaged to yield high quality data.

However, there is a technology, automatic deployable flight recorders, that can address these kinds of vulnerabilities, ADFRs. In the event of an incident that threatens the physical integrity of the aircraft, the ADFR deploys away from the aircraft to prevent any

damage to the recorded data. It lands safely near the aircraft wreckage on land or in water. If it is in water it floats, emits a radio locator signal.

This isn't a new technology. It has been utilized on military aircraft for decades. And the potential benefits of its application to commercial aircraft have been known for some time.

Some years ago, when I was chairman of this subcommittee, we directed TSA to test in concept the ability of ADFRs to improve rapid access to flight data following commercial aviation crashes and also providing localization of downed aircraft and potential survivors. I previously introduced bipartisan legislation, along with Representative Jimmy Duncan, the SAFE Act, which would require the installation of a second backup set of deployable flight data and cockpit voice recorders on new commercial passenger aircraft, specifically those that are expected to operate over long distances, over ocean or remote location routes. This legislation also proposed a reimbursement mechanism for the security upgrade.

So, Administrator, I raised this deployable recorder issue with Secretary Foxx during a recent hearing, and he confirmed the FAA is currently evaluating this technology. I would also like to hear from you about it. Although the deployable recorder testing conducted by TSA predates your tenure at TSA, I know you have reviewed the findings. I wonder what your assessment is as to the value this kind of technology could provide to TSA, focusing particularly on its aviation security mission.

And then what interactions have you had with FAA in terms of evaluating the technology? FAA, of course, is where the primary jurisdiction lies here. Are you confident that the FAA is taking TSA's testing and its mission perspective into consideration as part of its evaluation?

Mr. PISTOLE. Thank you, Ranking Member Price. Clearly, there are benefits that would be achieved from having the automatic deployable black boxes on commercial aircraft in situations like Malaysian Air 370, and of course our condolences to all the families and friends of those missing from that tragedy.

The question from a TSA perspective is, what could we learn in as timely a manner in terms of the security protocols that had been breached in causing the aircraft to go down, which is a separate issue oftentimes from what NTSB (National Transportation Safety Board) and FAA (Federal Aviation Administration) might be looking at in terms of mechanical issues and safety issues.

But I did go back and have looked at the work that we did, going back to your original request, I believe, which is in 2006, and found that we worked with FAA and produced at least an interim report to the committee in 2011 that outlined some of those pros and cons. I think one of the issues is, obviously, the cost of installing those devices and who bears this cost, and of course would those be passed on to passengers. What is the viability of those devices in the event of an explosion of the aircraft, such as TWA 800, for example, where there is catastrophic failure. It would tell us, just like the flight data recorders, that something catastrophic happened on the aircraft, and then there is a cessation of all data and voice obviously when we have that type of explosion vice that of what sounds like what happened with Malaysia Air flight 370.

So what I would like to do is go back, and I will talk to the FAA administrator, Michael Huerta, in terms of getting an update in terms of their efforts that you raised with Secretary Foxx recently and see if there is something more that they could be doing as the lead, as you mentioned, with support from TSA in terms of the benefit that we would derive from that information also.

Mr. PRICE. Well, I thank you. I encourage you to do that. The TSA study was quite thorough, and it took a while, but it did get done, and it ended up incorporating a number of options or raising a number of options that are worthy, I think, of consideration. As far as the cost is concerned, I mean, this search that has gone on right now, that of course would cover the costs of black boxes for decades to come.

Thank you, Mr. Chairman.

Mr. CARTER. Mr. Dent.

Mr. DENT. Thanks, Mr. Chairman.

Good morning, Administrator Pistole.

Mr. PISTOLE. Good morning.

#### TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

Mr. DENT. At this time last year I had inquired to you about the progress being made on the final rule for TWIC readers from the Coast Guard. As you may remember, this rule has been 10 years in the making. Last year you had responded with, quote, good progress is being made on the final rule. Can you give us any updates as to where we are today on TWIC?

Mr. PISTOLE. Yes. Thank you, Congressman Dent. There has been progress made on all the rules that we have been focusing on. In terms of the Large Aircraft Security Program, general aviation, I am sorry, is that the one you are asking about?

Mr. DENT. No, on the TWIC readers to Coast Guard.

Mr. PISTOLE. I am sorry. My apologies.

Mr. DENT. After that, though, you get into the Large Aircraft Security Program.

Mr. PISTOLE. I apologize. I was looking at which one.

On the TWIC reader, we have made progress. And of course, as you know, TSA has responsibility for the front end in terms of security threat assessments and then the Coast Guard has responsibility for the actual deployment. I will have to get back with you in terms of where it is exactly. I don't have the update on that here in front of me. But I know it has gone back and forth in terms of progress being made. I will just have to get back with you on that.

[The information follows:]

It is my understanding that the United States Coast Guard is working diligently toward a release of the Final Rule in early 2015. The Coast Guard published a Notice of Proposed Rulemaking on March 22, 2013, and the comment period closed this past June. A number of comments were received and are being adjudicated.

Mr. DENT. Thank you. And one other quick question I wanted to talk to you, too, was CFATS, Chemical Facility Anti-Terrorism Standards. Where do we stand in terms of the inspections of those facilities?

Mr. PISTOLE. So that is largely a CBP responsibility that I will be glad to take back.

## WORK WITH INDUSTRY

Mr. DENT. Excuse me, I apologize. I don't know why I asked that of you. I should save that for CBP. But I wanted to at least get that out there. I will save it for them.

Another question I had, too. As TSA works to keep the Nation's aviation sector secure, there has been a working relationship with industry as they have both worked closely together since 9/11 to stay ahead of the latest threats that face our country. And obviously there needs to be a rigorous process to have the best technologies deployed. It also seems to me that TSA could learn a lot from some of our international partners as well as other stakeholders with global footprints to allow for complex solutions and alternative CONOPS for faster deployment of security technologies that can meet and exceed current and future requirements.

Can you discuss with us what TSA is doing to work more effectively with industry to gain insight into its efforts and experiences abroad and how these lessons could be shared and applied to the U.S.?

Mr. PISTOLE. Sure. Thank you, Congressman.

We work with industry quite closely here in the United States, obviously, to have the latest technology deployed at the best price. And so to that, just under that umbrella, we engage with industry both in regular meetings, both small businesses and others, and also, obviously, with the major providers to help to buy down risk through the latest deployment of, say, next generation devices, whether it is, for example, advanced technology X-ray, AT2 X-ray, or advanced imaging technology, the body scanners, the next tier of detection capabilities.

Our international partners actually look to us as leaders globally in terms of the R&D (research and development) that U.S. companies in particular have done, along with some investments by U.S. taxpayers through our budget and the S&T (science and technology) budget of DHS to develop the best technology at the best prices. So what we are seeing globally, for example, to detect again the highest risk, the nonmetallic IED, we are seeing more and more countries acquire the advanced imaging technology that will help detect that where a walk-through metal detector will not.

We also work through a number of different international fora to look at what other countries are doing not only in technology but, for example, of course what the Israelis do with behavior detection and interview techniques and things.

So we have a good program to do that, and I think we are seeing some good benefits of that in our deployment of next generation explosive detection systems, checking for explosives in checked bags, and as I mentioned, AT2 X-ray and AIT next generation.

## LARGE AIRCRAFT SECURITY PROGRAM

Mr. DENT. Real quickly, too, you started to talk about the Large Aircraft Security Program. A few years back we had a problem, as you remember, with some of the folks in Alaska and elsewhere who had concerns with some of the rules. Could you give us an update on that program?



Mr. PISTOLE. Yes. So that was originally published for comment in October 2008, and we got extensive comment from industry, as you know, a lot of good input. We have a supplemental notice of proposed rulemaking (SNPRM) that we are working within the Department to get out sometime this year that addresses those industry concerns that it was, frankly, overbroad and too costly. And so I am hopeful, given a lot of the contingencies that are beyond TSA, that we will have that SNPRM out later this year.

Mr. DENT. I appreciate that. It has been a long time and a lot of folks are very concerned about that issue. So thank you.

Yield back.

Mr. CARTER. Mrs. Lowey.

#### TRANSPORTATION SECURITY OFFICERS: FEMALES

Mrs. LOWEY. Thank you very much.

Two weeks ago I brought up issues facing female TSOs to Secretary Johnson. As I mentioned, female TSOs are finding it more difficult to be promoted because they are held at the passenger checkpoints to conduct pat-downs rather than gaining experience at other stations. Approximately 33.8 percent of TSOs are women. Because only female TSOs are permitted to conduct pat-downs of female travelers and are the preferred choice for pat-downs of children and the elderly, 33 percent of TSOs are responsible for over 50 percent of all pat-downs.

Due to the increased demand for female TSOs at passenger checkpoints, they are not rotating positions per TSA policy, leaving them without the experience in other stations necessary to be considered for a promotion. They are also often denied shift and position bids because they are disproportionately kept at the checkpoints.

In addition to making an effort to hire more female TSOs, what steps should TSA take to ensure that female TSOs have equal access to training, shift bids, and promotions as their male counterparts?

Mr. PISTOLE. Well, thank you, Congresswoman Lowey. Secretary Johnson and I discussed this since the hearing, and so I appreciate your raising it with him and with me, because that is, I think, one of our key enablers for becoming a high performing organization, to make sure that we have women represented in key places throughout our organization, which is reflected in our senior leadership.

On your numbers, I thought we had provided your staff some updated information that actually 43 percent of our screening workforce are women, so female, instead of 33, so it is actually several thousand more than what you had raised with Secretary Johnson. So that is the good news.

The challenge then becomes, as you mentioned, with the pat-downs, obviously we have female on female and female on children. I will say that since one of the issues raised is with the increased pat-downs since 2011 and 2010 when I came in to try to address this. Because of our risk-based security initiatives, we have actually reduced the number of pat-downs across the board. So that is reserved for more resolution of an alarm that we just couldn't re-

solve as opposed to our old policy, if somebody alarmed, we would pat them down.

So another issue is that if somebody is doing an excellent job, a female TSO is doing an excellent job in her specialty, that we still look to promote that person if she is obviously capable of doing things. So the multi-disciplinary approach that you mentioned can be important, but if somebody excels in their area and they indicate interest in management and have that management potential, clearly we want to promote them.

We have had several senior executives, women, who started as TSOs who are now in the senior executive ranks of TSA, so they have come up through the ranks. Still not as many as I would like to see. But what great role models they provide for us in terms of saying, yes, you can start at the bottom and work your way up.

So I appreciate you raising that. I have asked our Office of Human Capital to go back and look at what we are doing with our Office of Training and Workforce Engagement to make sure we are providing those opportunities for women and, frankly, for all minorities, so it is just not a group of white men who are running the organization and doing all the frontline work.

#### AIRPORT PERIMETER SECURITY

Mrs. LOWEY. Thank you.

I am also concerned about a lack of perimeter security at our Nation's airports. Following last year's hearing I worked with Chairman Carter and Ranking Member David Price to insert language into the fiscal year 2014 report that directed TSA to report back to the committee within 90 days of enactment on its efforts to work with its airport local law enforcement partners to better secure airport perimeters. We are approaching that 90-day mark, so I hope we will soon get that information.

On Christmas Day, as we recall, two men at two different airports, Newark and Phoenix, were able to climb a high security fence while impaired and access the tarmac. At Newark, which recently upgraded its security system, the person in question was able to run across two runways before anyone noticed, even though the alarm had been activated. While good actors take off their shoes, jackets, belts, remove the battery to their laptops, others, it seems, can go for a stroll on the tarmac. Quite simply, it makes us vulnerable, and this vulnerability is unacceptable.

Now, a GAO study recommended that TSA needs a national strategy to secure airport perimeters. The report stated that 87 percent of the Nation's 450 commercial airports have not conducted a basic vulnerability assessment. Can you give us a preview of what you will soon be reporting to the committee, what actions is TSA taking to increase perimeter security at airports, and what do you believe are the respective roles of TSA, airport authorities, and local law enforcement?

Mr. PISTOLE. A great series of questions there, Congresswoman, in terms of perimeter security, because we do see that as one of the challenges. And so as you indicated in the latter part of your question and comment there, the airports themselves, the 447 airports where TSA provides security, have the frontline responsibility for the perimeter fencing, the security, whatever type of cameras or

patrols they have. Now, they do that to our standards, and we audit and inspect those, the fencing, and then work with the airport authorities. But, for example——

Mrs. LOWEY. Excuse me, are there nationwide standards on perimeter security?

Mr. PISTOLE. There are, but they are general, so the sense is if you have seen one airport, you have seen one airport. Because of the uniqueness of each airport, we have to make sure that they are tailored. So there is a national standard in terms of some basics to ensure that these people that you mention, which are a handful out of, of course, the hundreds of millions of passengers and the hundreds of thousands of airport workers who have access to the active area, are there because they should be.

And so we see this as part of the two aspects. If it is an external person coming in, of course, there have been no terrorists that have tried to access an airport through the fencing and things, the perimeter, that we are aware of. You mentioned a couple of people who had been drinking too much or driving or different things and got lost on a jet ski or something like that. And so those are concerns. But what we are primarily focused on is, is there that, coupled with a potential insider threat, somebody who is working at airports that does have access to the sterile side.

So we work with the FBI (Federal Bureau of Investigation) to do what we call joint vulnerability assessments at the major airports, and we do those on a routine basis. Obviously, if there is a breach of perimeter security, such as the ones you have mentioned, we will follow up immediately with the airport authority to address that, and there is a well-known case from a southeast airport a few years ago where a young man got on a plane in the wheel well of a plane and then on approach to Boston Logan, his body dropped out.

Mrs. LOWEY. Yeah. But if I may, Mr. Chairman, just in conclusion, do you need a carrot-and-stick approach, do you need national standards, rather than making it casually let's check the airport?

Mr. PISTOLE. Oh, no, no. Yes, so it is both the carrot-and-stick approach.

Mrs. LOWEY. Do you need specific standards so you can direct them to make improvements?

Mr. PISTOLE. Yes. So we have those standards. The question is: How much do we do in partnership with the airport authority, or how much do we do it basically through regulation? So we try to do it in partnership as much as we can, but clearly if there is an airport that we have inspected and the standards or fence isn't up to speed, it has trees overhanging the fence that people could climb over, then that is something that we can take enforcement action on.

So we do have that authority and we exercise that authority, but we try to do it first and foremost in a partnership to say, here are the things that we have assessed and here are the actions you need to take. If you don't do it by a certain date, then we will follow up through some type of enforcement action.

Mrs. LOWEY. Thank you, Mr. Chairman.

Mr. CARTER. Mr. Fleischmann.

## AVIATION SECURITY ADVISORY COMMITTEE

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Good morning, Administrator Pistole, thank you for being with us today, sir.

Mr. Administrator, you have stated in the past that the Aviation Security Advisory Committee plays a vital role in helping TSA continuously enhance our ability to ensure the security to the traveling public. Clearly providing for a formalized means for TSA to continue to seek and receive stakeholder input is critical to effective governing and improving aviation security methods, equipment, and procedures.

Last June TSA announced the renewal of the charter for the Aviation Security Advisory Committee (ASAC) and requests for applicants ahead of ASAC's last meeting on July 22nd, sir. What is the status of the charter and TSA's plans to solicit stakeholder input through ASAC?

Mr. PISTOLE. Thank you, Congressman. And the ASAC, I have actually met with the existing members three times since the LAX shooting on November 1, on November 7, January 8, and then just this past Friday, to solicit input from them on an informal basis, because they are not formally chartered, which is something. The new secretary is ready to issue letters of invitation. With the transition of secretary with Secretary Napolitano leaving and Secretary Johnson going through the process, she obviously wanted to have input as to who would be on this committee. And so, as I understand, they are ready to issue letters of invitation, some of whom will be existing members.

But be that as it may, I did have those members in, in addition to some other stakeholders, to give us input as to officer safety and security at airports as a response to the LAX shooting. So I think when this report comes out tomorrow, hopefully the feedback that you will hear from external stakeholders will be positive in terms of the engagement process.

## CARRY-ON LUGGAGE SCREENING

Mr. FLEISCHMANN. Thank you, sir. A follow-up question. Mr. Administrator, with the most recent concern around the Olympics of explosives disguised as toothpaste, TSA temporarily banned liquids, aerosols, gels, and powders from carry-on luggage. I think it is imperative that the latest technology be deployed to detect such threats at the passenger checkpoint and to be able to do it in an expedited fashion without slowing down travel.

What, sir, is the status of TSA and the European Union in developing a common screening of such items in carry-on luggage and why hasn't this been implemented yet, sir?

Mr. PISTOLE. So in January of this year, we did start a pilot program with the European Union as it relates to the small liquids, aerosol, gels, or I should say those that are in, for example, a duty-free bag. So if a passenger in London has a duty-free bag purchase and they fly to JFK (John F. Kennedy International Airport) and then on down to Washington, in the past that person would have to take that duty-free whatever the item is and put it in their checked bag for the flight coming from JFK here.

Under a pilot program that we are doing with the European Union, which again just started in January, we are allowing most of those to stay in, stay with the passenger, because we recognize the explosive detection capabilities of certain airports in the European Union. We are also looking at something similar with Canada and Australia, recognizing that as technology improves, as you noted, that we can do a better job globally for assessing this highest risk.

That being said, there are some countries that we will not allow that to happen, and it is a pilot program with the European Union as they have more of their airports acquire the technology to detect those type of nonmetallic IEDs.

Mr. FLEISCHMANN. Thank you, sir.

Mr. Chairman, I yield back, sir.

Mr. CARTER. Mr. Cuellar.

#### BEHAVIOR DETECTION PROGRAM: PERFORMANCE MEASURES

Mr. CUELLAR. Mr. Chairman, thank you so much for holding this meeting.

And, sir, thank you so much for being here, and appreciate all the good work that your men and women do. As you know, we are usually in airports, and I get to work with them every week, twice a week.

Let me direct your attention. There was a provision that we added through the help of the chairman and the ranking members that said that for the first time the head of each agency as they turn in through the President the budget request, they should link the budget request to the performance plan that GPRA calls for. As you know, we had a modernization of that in 2010.

And from there you are supposed to be looking at measures that examine outcome, output, efficiencies, and customer service. And I would ask your folks to go back and look at that because we are missing those categories as required by GPRA and as required by the provision that we added on this omnibus bill. So I would ask you to look at that, number one.

Number two, I would ask you to look at, just as an example, some performance measures, or one performance measure, and that has to do with your behavior detection activity, which is the SPOT screening of passengers by observation techniques. As you know, the GAO came out with a report in November of 2013, a few months ago, and I think since 2007 your agency has spent about \$900 million from there. I think there was a New York Times article that came out 2 days ago, a couple days ago, that also questioned the work that you are doing. And I know behavior observation techniques are something that are needed.

The question I am bringing up leading to the first point I made about performance measures is that if we spent \$900 million so far, the GAO has asked you to look at how effective is the work done. I mean, especially if you spend over \$900 million, I think the taxpayers need to know how effective the program is.

According to GAO, they are saying that you all noted that it would take 3 years before TSA can really begin to report on the effectiveness of that work. So what are we supposed to be doing as we keep pumping in more money to understand, if we give you one

dollar, are we gaining the bang for that one dollar? If we give you \$900 million, what is the bang for that \$900 million? I mean, how are we supposed to provide legislative oversight?

Mr. PISTOLE. Thank you, Congressman. There are obviously a lot of different views about the efficacy of our behavior detection program, our SPOT program, and the officers who do that work. It comes down to a question of how do we measure that in terms of your issues with GPRA and tying that into the budget.

So the 3-year period that you mentioned is basically trying to get to a gold standard of evaluation. We have a number of metrics, which I will be glad to share with you and the subcommittee, to evaluate what our BDOs (behavior detection officers) are doing.

[The information follows:]

In March 2014, the Department of Homeland Security Office of Inspector General reviewed both the Behavior Detection and Analysis Strategic Plan (Sept. 2013) and monthly performance metrics and concluded that it met both Government Performance and Results Modernization Act of 2010 (P.L. 111-352) and Office of Management and Budget Circular A-11 requirements.

The plan included the Transportation Security Administration (TSA) and the Behavior Detection and Analysis Program's Mission, Vision, Strategic Goals, and Objectives, as well as the 14 initiatives the program and other contributing agency offices are undertaking in support of TSA's strategic framework. In addition, as recommended by the P.L. 111-352 and Circular A-11, the TSA is developing Behavior Detection and Analysis monthly performance metrics and will be pleased to brief the committee once the data inputs are completed. TSA is in the process of collecting data to establish progress toward meeting those metrics, and TSA will be pleased to brief the committee as key parts are completed. The strategic plan includes efforts that will continue through 2016.

Mr. PISTOLE. We have about 3,100 FTE for BDOs, and so that cumulative dollar amount that you have mentioned is basically personnel costs for that, obviously training and things like that. But we could have done a better job earlier on, I would say, in terms of establishing those metrics as one of the multiple layers of security that the BDO program offers.

So one of the benefits we are seeing now that is actually an inverse of what the program was created for, looking for suspicious behavior to designate somebody for higher risk screening, selective screening, let's say—We are using BDOs effectively through what was mentioned earlier as the managed inclusion program to identify low-risk passengers. So if you want to say we are getting double bang for the buck. There are a number of people who are going through expedited screening today, literally millions of people, because they have been observed by BDOs as being lower risk.

So that is part of our equation, saying, okay, the program was originally started to identify high risk. Now we are doing both high risk and low risk, so let's make sure that is a metric that we can identify as being one of the enablers.

So the cost-benefit analysis is, if it catches one terrorist, then it is worth that, just seeing what happened on 911 or something else. And I can't help but think that if BDOs were in place at Newark, at Boston Logan particularly, Dulles, where the 19 hijackers came out of, they would have observed some of that suspicious behavior, that even the airline personnel would have said, yeah, Mohamed Atta, for example, is acting suspiciously.

Mr. CUELLAR. Yeah. And just to conclude, to be cognizant of my time, and I have got a copy of your government dot-gov perform-

ance measures, I would just ask your folks to work with GAO as the provision calls for to come up with measures. Because, again, the chairman here when he was in the State and I was in the State, we have been doing this since 1991, 1992, and we had the people that wore robes, judges and academicians, that said, well, you can't measure education, you can't measure this. There are measures. So if they can do it, I know we can do it.

So, again, I appreciate all the good work. I would just ask your folks to go back and review those measures.

Mr. PISTOLE. Thank you.

Mr. CARTER. Ms. Roybal-Allard.

#### EMERGENCY PLANS, AIRPORT

Ms. ROYBAL-ALLARD. Administrator Pistole, I want to go back to the incident at LAX when Mr. Hernandez was killed, because I think it raised a number of troubling questions about the security at our Nation's airports. And according to an independent investigation commissioned by the Airport Authority, and it was released last week, it took paramedics more than a half hour to reach Mr. Hernandez after he was shot. A full 45 minutes passed before emergency responders were able to set up a unified command post at the airport. And the inquiry also found that emergency phones and panic alarms did not function properly, and various agencies responding to the shooting lacked interoperable communication systems and were unable to communicate with each other by radio during the incident. I mean, these findings really were unbelievable since they occurred after 9/11, and there are some similarities there.

Now, I know you said you are going to be releasing a report tomorrow, so you may not be able to answer in detail any of my questions, but I guess the main question is, what accounts for these deficiencies? And will the report that you will be issuing have new policies that will be implemented that can ensure the travelling public at LAX and other airports that there are going to be adequate and effective emergency plans in place and that the authorities and first responders will be fully prepared to quickly respond to a tragedy such as that at LAX?

Mr. PISTOLE. Thank you, Congresswoman. And obviously protecting our workforce is our highest priority, to make sure they can do the job in a safe and secure environment. That being said, the LAX report that was published last week focused on, obviously, the events there, many of the items you have articulated.

Our report is looking at safety and security of officers, TSA employees around the country. So it is not LAX-specific, although it takes some of those issues that were identified, such as the duress alarms. Are there adequate duress alarms for TSA employees in the event there is an active shooter? Do those alarms work? When was the last time they were tested? Has there been active shooter training, either online training or tabletop training or actual in-person tactical training in terms of, if there is a shooter, what do I physically do?

And so part of that for TSA employees is the training that we have required for all TSA employees to be completed actually by the end of this next week, and we are almost all the way there;

they need to know what to do. So it is basically run, hide, fight. So the idea that they should be engaging a shooter, unless they are an armed law enforcement officer, no. The idea is just, frankly, get out of the kill zone.

Many officers at LAX had been trained 3 weeks prior, and so they responded accordingly as the shooting took place. They helped passengers get away from the checkpoint, and then they got out of the way themselves. Now, two of our officers went back to help an elderly gentleman who had not left the checkpoint, and so they helped him and got him off to a side room, and then they fled. The shooter had come up the escalator from where TSO Hernandez had been shot and shot the two of them, one in the foot and one in the shoulder. So they were actually trying to help a passenger when they could have fled.

Ms. ROYBAL-ALLARD. Then whose responsibility is it then to address the issues about paramedics taking a half hour, 45 minutes before emergency responders, all these things that I listed? If you are not looking specifically into these deficiencies, then whose responsibility is it to make sure that they are addressed?

Mr. PISTOLE. So we looked into the airport police response, as opposed to the emergency responders, for example, fire and medical, EMTs (emergency medical technicians) and things, which the LAX report addressed in some measure. They have taken actions I know of that have addressed that issue; for example, to allow EMTs to go in to provide basically trauma care to an injured person as soon as the shooter is not right there.

So it used to be if it is a hot zone, the policy was you could not go in the hot zone, you had to wait until it was a cool zone basically. What they have done is adopted a new policy to say that if it is a warm zone, there still may be a shooter, and as you recall there was information that there may have been one or more shooters in the parking garages across from Terminal 3 where the shooting took place.

So they have worked with tactical responders to provide cover basically to allow EMTs to go in and provide emergency, basically trauma care. So that is one thing they addressed. We are looking at the airport police response time and locations, which will be in this report that I issue tomorrow.

Ms. ROYBAL-ALLARD. And what is your opinion of calls from labor groups and others for the creation of armed TSA security units to protect transportation security officers?

Mr. PISTOLE. That was one of the recommendations made by one group out of the more than 30 organizations that I had in this review. So I looked at that and have determined that that is not the best response, in my mind, for a number of factors, which I would be glad to go into. I did go into that last Friday in the meeting with the stakeholders, my reasons for not.

Ms. ROYBAL-ALLARD. If you could just submit it.

Mr. PISTOLE. Sure. That will be part of my report, yes.

[The information follows:]

Creating a new law enforcement cadre or deputizing Transportation Security Officers to carry out law enforcement functions, adding more guns to the checkpoint by arming screeners, or creating a separate TSA armed force does not add to the safety and security of the checkpoint. In developing this position, TSA consulted with 36 stakeholder groups, including airports, State, Local and Federal law enforcement



agencies and air carrier associations. Only one group believed that a Federal armed presence at the checkpoint would be advisable. Creating such a capability would require substantial investments in training, checkpoint enhancements, and new personnel without a consequential benefit to safety and security. Moreover, creating an armed federal presence at the checkpoint would create jurisdictional challenges between local law enforcement and first responders. The agency believes that emergency services can and should be rendered through specially trained first responders.

Ms. ROYBAL-ALLARD. Okay. Thank you.

Mr. CARTER. Mr. Owens.

#### PRECHECK PROGRAM

Mr. OWENS. Thank you, Mr. Chairman.

Thank you, Mr. Pistole, for coming in today.

From my perspective, the three airports that I move in and out of most frequently—Burlington, Vermont, Plattsburgh, New York, and Washington, DC—function at an extraordinarily high level, and the people do it with a great degree of aplomb as they approach the folks who are on line. They tend to be very helpful, they are informative, and it is just an all around good experience. And I think you need to know that so that you can talk to the people who operate those institutions and let them know that we think they are doing a good job. And this is something I hear from people generally in our communities.

On page 2 of your report, you talk about the PreCheck program. And I am curious, you don't list NEXUS as one of the criteria for getting into the PreCheck. Is it?

Mr. PISTOLE. Yes. So it is another way of qualifying for TSA PreCheck benefits, the 630,000 Canadian citizens are a part of. But, yes, if you are a part of NEXUS, we automatically accept you into TSA PreCheck. I just didn't note it in the testimony.

Mr. OWENS. Okay. That is good. I also have encountered a number of people who have been surprised that they were selected for PreCheck, one of them being my wife, who will frequently—

Mr. PISTOLE. Hopefully not disappointed, though?

Mr. OWENS. No. Positively impacted. And I assume that that is because of your use of the managed inclusion and Secure Flight risk assessments?

Mr. PISTOLE. That is right. So we made an assessment that she is low risk, probably separate and apart from her marriage to you. That notion of, yes, she qualified on a flight-by-flight basis. So she may have received it one time but not the next time. And so it is almost like we are doing a free sample for people to encourage them to sign up for TSA PreCheck, \$85 for 5 years.

Mr. OWENS. Okay. That is very important information. I will note with one other bit of humor that frequently at DCA the PreCheck line is longer than the regular lines, which I really find somewhat amusing.

Mr. PISTOLE. We have noticed that, and hopefully it is like at the supermarket where you have an express line of 10 items or less. There may be four or five people in that line, so it is a long line compared to the one person in the regular checkout, but if he or she has two shopping carts full, you are going to take a lot longer behind that one person than the multiple people in the express

lane. And that is why we continue to expand the number of TSA PreCheck lanes around the country.

#### INTELLIGENCE ANALYSIS, INFORMATION SHARING

Mr. OWENS. Good. That is great.

One other question I wanted to ask, and this relates to page 1, the second paragraph of your written testimony. You talk about the use of intelligence analysis and information sharing. Are you finding that you are getting information in a timely fashion from the other agencies?

Mr. PISTOLE. Yes, absolutely. One of the things that I have been very pleased with since coming to TSA from being the deputy director of the FBI, where I, of course, got the daily intel briefs from around the world on all matters, is both the detail and the timeliness of the reporting from the Intel Community and the law enforcement community as to anything transportation-related. So it is outstanding in my mind.

And then our own folks doing the analysis related specifically to the transportation sector, not just aviation, surface transportation, rail, bus, all those others. In fact, I had a briefing on them yesterday that was outstanding in terms of looking at certain issues based on classified intelligence. So, yeah, I am quite pleased with it.

Mr. OWENS. Mr. Chairman, do I have time for another question?

Mr. CARTER. Yeah, I think so.

#### NORTHERN BORDER CROSSINGS

Mr. OWENS. Thank you.

As you can tell from the airports that I mentioned, I live along the northern border, and one of the issues that we talk a lot about with our friends in the Border Patrol and CBP is the issue of the cells of terrorists that are located in Canada. And are you getting adequate information from the Canadians in terms of the people who are crossing the border to take flights along the northern border?

Mr. PISTOLE. Yes. We work very closely through the U.S. inter-agency, for example, with the RCMP (Royal Canadian Mounted Police) or the Canadian Security Intelligence Service, CSIS, directly. We have a representative in Ottawa that gets that information either through the U.S. Government agencies in the Embassy there or sometimes directly. And, of course, CBP does a great job in terms of tracking that information through a number of different programs and then sharing that on a real-time basis.

And we do see that with people who are on the no-fly lists who will come in from overseas, go to Canada, and then try to cross over on the land borders. We get that on a daily basis in terms of good intel from the Canadians, great information sharing.

Mr. OWENS. Good. Thank you very much.

Thank you, Mr. Chairman.

#### SCREENING PARTNERSHIP PROGRAMS

Mr. CARTER. Congress has repeatedly directed TSA to make greater use of private screening programs, or the screening part-

nership programs, SPP we call it. Yet to date only 14 airports are actively participating in these valuable programs. Furthermore, TSA's budget proposes to cut the funding for SPP.

A couple of questions. First, is TSA satisfied with the amount of time it takes to award an SPP contract and to transition that airport to privatized screening once the application is approved?

And second, TSA bases its Federal cost estimate on TSA's starting wages, rather than the actual wages being paid by TSA, preventing bidders from meeting the parameters of the bid without paying incumbent employees a TSA starting salary rather than what their current wages would be. In this budgetary environment, cost efficiency is absolutely critical, but has TSA set a bar unduly high for the private screeners to compete with federalized screening, and what is TSA doing to ensure that the comparison process is fair and accurate?

Mr. PISTOLE. Thank you, Chairman. So you are right. We have the 14 current SPP airports. We have six in queue and we have approved their application, and then we are going through the RFP (request for proposal) process to actually award a contract. Four of those should be awarded in May and one in August and one in September. We should have contracts awarded by September for all six of those.

I will note that last year, or in calendar year 2013, we only had one application. We had five pending from 2012 which were delayed for several reasons, some beyond our control but some within our control. So I have reorganized the office that deals with this. Actually it was in three different offices, so I combined those efforts to give a greater focus because it, frankly, has taken longer than it should have, I believe.

Given the joint statement from you and the Senate for the fiscal year approps in terms of having an independent study done to assess the costs involved, the estimate that we use, we made a decision to not hold off on awarding any contracts until that study was done because that probably won't be done until the end of the year.

And so rather than hold up these contracts any further, we are going forward with our current criteria, which I think, given the way that we have revamped things, I think it will be seen as being as transparent as we can, where we are actually giving a dollar cost to say, this is what our, the government, cost should be. We didn't used to do that.

So given the FAA Modernization Act, the amendment, and basically changing the burden of proof to us to say why we wouldn't accept an airport application, that is what we are doing. And so what we are seeing are airports coming in under that, which makes sense. If you know what you have to come under, you are hopefully not going to come over that, because if they come over, then it is going to be tough for us to justify awarding a private contract.

So we are making progress, and I think we will see those, again those six, awarded by September.

Mr. CARTER. And in this new information that you are giving, this will include this salary differential that had a lot of people kind of stumbling over?

Mr. PISTOLE. Right. So that is one of the issues that the study will look at, but we use the actual salary cost. So I think the stat-

ute said we had to look at the minimum, but we use the Federal equivalent, the actual salary cost to say, here is what it is costing us. So that is that new process that we are using to say, here is what it is costing us, can you provide those same services with the same level of security and the same level of customer service, if you will, at a better price? And so that is the process we are going through now.

#### VISIBLE INTERMODAL PREVENTION AND RESPONSE

Mr. CARTER. I have got to shift gears to the VIPR program. Okay. I recognize the vulnerabilities of mass transit, and I understand the efforts to protect the Nation's public transportation system. However, I have serious concerns regarding the effectiveness of the VIPR program, which is a little strange pronunciation, V-I-P-R, it sounds like the snake.

In August, the DHS OIG report was very critical of the program, and several of my colleagues on both sides of the aisle have expressed concern that TSA has expanded the scope of VIPR teams beyond the Congress' intent. What performance metrics is TSA using to determine that the VIPR program is being utilized effectively? Can TSA provide the committee with specific examples in which a VIPR team definitively thwarted a terrorist plot? Finally, given their presence at sporting events, political party conventions, and even reported searches of private vehicles, is it fair to say that TSA is expanding the scope of VIPR teams beyond the Congress' intent?

Mr. PISTOLE. Thank you, Chairman. Obviously the VIPR teams are designed to be, as their name implies, a visible intermodal prevention team. So one of the key aspects is, in virtually all instances, we are participating at the request of a State or local or other transportation law enforcement agency request. So, for example, Amtrak may ask us to have a VIPR team over at Union Station to help them to augment their resources, recognizing that as most State and local law enforcement agencies' budgets have declined over the last several years, they have looked to us to help augment from that notion of being a deterrent.

So the metrics are similar to TSA metrics across the board. How many terrorists have VIPR teams stopped? Well, that is obviously the same thing in terms of a deterrent. We don't know how many putative terrorists have come up to, say, a train station or perhaps, if at LAX, if there had been a VIPR team outside of Terminal 3 on November 1 at 9:30 in the morning, perhaps the shooter would have gone on maybe to another terminal or something else. But any time we can push off a terrorist to another time, place, or location, that gives the rest of the law enforcement and, frankly, the Intel Community, opportunities to identify and disrupt. So it is seen as a way of deterring activity.

Sometimes there will be arrests made because somebody does something in front of the local or State police, but those are the ones doing the arrests, not the VIPR teams. And so they comprise canines, armed officers, Federal air marshals, perhaps behavior detection officers, and those transportation security officers who may be able to do explosive trace detection.

So it is something where we have taken a reduction this year. Actually in 2015 budget we are reducing the number of teams from 37 to 33, and it is something that we will constantly evaluate for our return on investment.

There have been some high-profile matters that other Members of Congress raised 2 years ago going back to, I think it was the fall of 2011, and perhaps even the spring of 2011, 3 years ago, where VIPR teams probably exceeded their mandate. And so we assessed that and said, no, that is beyond what we should be doing. Let's keep us, stay here in this area and not wander off into other areas because we can. So we did rein those activities in and try to keep the focus on, from a risk-based approach, where might terrorists be looking and how do we buy down that risk.

Mr. CARTER. So you are basically limited to traffic stops and vehicle searches.

Mr. PISTOLE. Yes.

#### MISSING PLANE SEARCH: MALAYSIA

Mr. CARTER. Just out of curiosity, I am going to take a little extra time to address something Mr. Price raised on the deployable black boxes and the cost of these searches. These things cost millions and millions of dollars. I just don't know the answer. I assume that everybody who goes out there with a volunteer plane is paying their own way. Is there anybody that has to reimburse them? And is there some program that I don't know about where the United States reimburses them?

Mr. PISTOLE. That is beyond my knowing, Chairman.

Mr. CARTER. It seems to me what Mr. Price raised as his first question is a very cost-effective way to address these things. If Malaysia is having to pay back all the money that is being spent in this search, they will be broke.

Mr. PISTOLE. Yeah. I don't know the details on that. I spoke with my counterpart in Kuala Lumpur last week just to get an update and to, again, offer any assistance that we could or any other U.S. Government agencies if they were needing that, and he was very appreciative. But my understanding is that each country is covering the cost of their own.

Mr. CARTER. Okay. I was just curious about that.

Mr. Price.

#### BEHAVIOR DETECTION PROGRAM

Mr. PRICE. Thank you, Mr. Chairman.

Administrator, I want to invite you to reflect on some of the lessons learned from your efforts to employ risk-based analysis in the security enterprise.

I first want to just briefly revisit your discussion with Mr. Cuellar, though, about the behavior detection officers. I am glad to know that you are exploring these GAO conclusions, which I have to say to me were surprisingly negative. I want to see them explored. I will await the results of this third-party evaluation that you cited.

One of the reasons that I have been predisposed to favor this program or to see it as having a high potential was an experience we had some years ago when this subcommittee visited Ben Gurion

Airport in Tel Aviv. And as you know, the behavioral detection methodology I think was most fully developed there, or certainly that has been a place where it has been extensively utilized, and the Israelis really swear by it.

I wonder if you could just reflect on that. Do you think the SPOT program really differs significantly from the Israeli program, and are those differences related to the GAO criticism? I guess the question with the GAO analysis is, how much of this would apply to almost any behavioral detection program? How much of it is specific to the way it has been executed at TSA in this country? Do you have any thoughts on that?

Mr. PISTOLE. Yeah, thank you, Ranking Member.

So a couple issues. There are more than 800,000 State and local police officers and sheriff's deputies around the country, every one of whom has either had formal or informal behavior detection officer training. I mean, it is a survival skill on the street. If you are a street cop, you need to be able to size somebody up and make a judgment and take appropriate action. And so the question is, how do you quantify or qualify that in terms of metrics, and how does that affect their mission, which is a difficult proposition?

You are right that the Israelis at Tel Aviv at Ben Gurion were the first ones and foremost in terms of using this in the airport environment. Now, the one tactic they use is profiling—racial, ethnic, gender profiling, and they are very upfront about that, which, of course, we can't do here. So their behavior detection is predicated on the fact that if you are a young Palestinian Muslim male, let's say 23 years old, you are going to spend considerably more time than a 75-year-old Jewish woman Israeli citizen, because they have made a risk-based decision that the male, the young male, is a much more likely terrorist than the woman.

So we, of course, can't do that and don't do that in our behavior detection. So it is all based on behavior and what experts disagree on in terms of what is telltale signs of deception or something that they are trying to hide.

So the example I would like to use is I would have loved to have a plainclothes or even uniformed BDO at Schiphol Airport in Amsterdam on Christmas Day 2009 off to the side. And then here, let's say I am Abdulmutallab, the 24-year-old Nigerian bomber with that nonmetallic IED in my underwear, and Judge Carter here is a uniformed police officer with a canine, and he is walking right toward me. And so I see that uniformed officer with a canine. What would my reaction be as the bomber? Would I have the guts to just walk right by him without breaking stride? And that is what I would have loved the BDO to be able to observe. How do you respond? Because we know from debriefings of convicted terrorists that the three things that act as a deterrent are uniformed officers, canines, and then CCTV (closed-circuit television), as long as it is not a suicide bomber. They don't care about the CCTV.

There are a number of different views. The New York Times article that Congressman Cuellar mentioned from a few days ago cited some of the critics of the program. We could have as many proponents of the program. And we are doing a response to the Times on that, just as we did a couple years ago when they ran some articles critical of the BDO program.

Mr. PRICE. Good. Well, of course you have cited the most obvious difference between the Israeli approach, which you are right, they are quite candid about, and what we can and would do here. Serious questions, though, still about the potential of this kind of approach, this kind of methodology, pretty firmly rooted, I think, in some psychological studies. So we will await your finding there. I certainly want to reserve judgment.

On this risk-based security approach that you have made very central to your administration, we found out on the House floor last June that doesn't always work. Sometimes perceptions of risk don't match TSA's more technical risk analyses. I am sure you remember the House adopted an amendment to prohibit TSA from implementing any changes to the list of prohibited carry-on items for air travel. This was prompted by a TSA proposal to allow certain items to be carried on airplanes, including small knives with blades less than 2.36 inches in length and less than a half an inch in width, billiard cues, ski poles, hockey and lacrosse sticks, and up to two golf clubs.

The International Civil Aviation Organization changed its standards to permit passengers to carry small pocket knives in 2010, and as a result thousands of airline passengers arriving in the U.S. From abroad every year are able to carry small pocket knives on their flights.

Now, putting aside the merits of TSA's specific proposal, the conventional wisdom seemed to be that TSA might not have engaged in a strong enough effort to bring its various stakeholders on board with that proposal. Is that a fair diagnosis or at least a partial diagnosis of what went wrong with this plan? I mean, is this just part of the territory here, does it come with the territory?

Are there things you might have done, just in thinking about this in retrospect, things that you might have done? Have you as a result changed anything about the way you engage stakeholders on risk-based proposals as a result of that experience last year? Maybe you could walk us through briefly the basics of the process you went through in developing the proposal. And do you still believe in making changes of this sort to the prohibited items list? Do you think it would be beneficial to your efforts in aviation security? So could you reflect on that experience?

#### KNIVES ABOARD PLANES

Mr. PISTOLE. Yes. Thank you. I do have some vague recollection of that last year. I think I heard from 150-plus Members of your colleagues on that issue, in addition to a number of other folks.

Yes, that was clearly a risk-based decision in terms of trying to focus TSA efforts on what we assess is the highest risk. Again, that is the nonmetallic IED that can be catastrophic to an aircraft. We were finding upwards of 2,000 of these small knives every day at checkpoints around the country, much to the frustration of passengers who are law-abiding citizens who just forgot they had a souvenir knife or some small pocket knife.

So it is both done from a risk-based approach, trying to focus on the highest risk, from an efficiency standpoint of making it more efficient for our folks, instead of having to stop the bag, open the

bag, find the knife, take it out, seize the knife, and then, again, cause delays in line and frustration with the passengers.

From a risk-based approach, we know that since 9/11, because of all the other layers of security, it is highly unlikely that there would be a repeat of 9/11 using knives or things like that to try to take over an aircraft based on all numbers of different things, hardened cockpit doors, trained crew, passengers who would respond as we saw on Flight 93 on 9/11.

So as part of an internal process that we did with certain key outside stakeholders, but really it was a 2-year review that we looked at and tried to align ourselves with some of the big international standards, ICAO, the European Union, which do allow knives, small knives. So you are right, a passenger coming from Europe can bring a small knife to the U.S. We are going to seize it. So then we have to dispose of it, and there is a cost to doing that.

So it really was a risk-based, efficiency for us, better customer service for the passengers and things, but there were certain groups who were strongly opposed whom we did not engage with as well as we should have. And part of that was the Aviation Security Advisory Committee that was mentioned earlier. So since that time, as I mentioned with the LAX shooting, we have engaged that group, even though there is not a formal charter for the group now, three times since that shooting. So I want to get their input. I just don't want that to be something where it is dispositive, that somebody else is making the decisions as opposed to TSA and me as the administrator of TSA. I am the one who is responsible for making those decisions. I want that input.

So in retrospect, clearly I could have done a better job of soliciting that input and vetting those considerations much more broadly. Again, we did do a considerable amount of vetting, but obviously could have done more.

Mr. PRICE. Well, thank you.

Thank you, Mr. Chairman.

Mr. CARTER. Mr. Culberson.

#### TRACKING MOTOR CARRIER SHIPMENTS

Mr. CULBERSON. Thank you, Mr. Chairman.

Mr. Pistole, I wanted to ask if I could about a requirement that the Congress passed in the 9/11 Act of 2007, that is a mandatory requirement that the TSA, quoting the statute, and this is in Section 1204 of Title 6, that the TSA and I quote, "shall develop a program to facilitate the tracking of motor carrier shipments of security sensitive materials and to equip vehicles that are used in such shipments with technology that allows for frequent communication, vehicle position, location, tracking, and a feature that allows the drivers to broadcast an emergency signal." And that, of course, has now been over 6 years since that law has passed.

The subcommittee has been concerned, and we have talked about this before, in the TSA's inability or failure to move forward with this program. And the committee in February 2012 submitted questions for the record, Mr. Pistole, to the TSA asking when and how you are going to move forward with this obviously urgent program, because it allows the TSA to keep track of and identify. God



forbid that the tragedy in the Malaysian airliner had been—what if the plane had actually been hijacked and flown somewhere and repainted.

You know, you can have a situation where a truck carrying a load of explosive materials on the road to the United States just disappears, shows up in a populated city. I always remember as a boy growing up in Houston, a truckload of anhydrous ammonia went over a freeway overpass and exploded and killed a whole lot of folks.

You have got dangerous cargos moving on the road, and this law was put in place so you would keep track of them. And yet in response to a question for the record by this subcommittee in February 2012, TSA replied that you intended to commit \$3 million in incremental funding to the ongoing FedTrak R&D initiative in 2012 and 2013, but as far as the committee knows, as far as I know, none of that \$3 million in funding has been applied and the R&D program is at a standstill.

So I would first ask, Mr. Pistole, does the TSA intend to honor the written commitment that you made to Chairman Carter, to Mr. Price, and the subcommittee in its response to the QFR dated February 2012?

Mr. PISTOLE. Yes, Congressman, and thanks for that question, because you are right. It is an area that potentially can be a significant issue when there is something bad, either by intent and design or by accident that happens. And the question is how can we best work with industry to prevent that.

And so the details of that I will have to get back in terms of where the timing of those issues are. I know that the multiple layers of security that we have in aviation are obviously not as focused on surface. But, for example, the HAZMAT Endorsement for all commercial drivers licenses that we require and do a security threat assessment on, that helps in terms of identifying if there is a potential threat that a terrorist would try to exploit one of those hazmat loads, but it doesn't address, I think, your broader question of simply the tracking of where those loads are.

Now, we do that with the rail industry and have worked very closely with the rail industry to limit, for example, just within a mile of here, of the Capitol, several years ago, there were those type of those toxic inhalation hazard cars that were being parked overnight. And so in working with industry we just had them move those away from the Capitol to buy down risk as it relates to this.

Mr. CULBERSON. But you are working on it, you are just not sure what—

Mr. PISTOLE. Yeah. So we are working on it, and we are trying to apply—

Mr. CULBERSON. You are not sure when you are going to get it brought to fruition?

Mr. PISTOLE. I don't have that off the top of my head, so I will have to get back with you.

Mr. CULBERSON. Okay. Remember the law said when it passed, not later than 6 months after August 3, 2007, you shall have the program in place.

Mr. PISTOLE. I will look into that, Congressman. That is something I haven't been tracking.

[The information follows:]

On August 3, 2007, President Bush signed the "Implementing Recommendations of the 9/11 Commission Act of 2007" (the 9/11 Act). Section 1554 of the 9/11 Act directs TSA to develop a program to facilitate the tracking of motor carrier shipments of security-sensitive materials. In developing its tracking program, Congress directed TSA to take into consideration the findings and recommendations of the Federal Motor Carrier Safety Administration's Hazardous Materials Safety & Security Operational Field Test, completed in 2004, and TSA's Hazmat Truck Security Pilot, completed in 2007. In addition to requiring the development of a program to track security sensitive materials, Congress also directed TSA to evaluate eight cost and technology items listed in Section 1554(a) (2) (c).

In February 2012, in response to a Question For the Record (QFR) for Chairman Carter and to Mr. Price TSA committed to spend \$3.0 million towards conducting research on the feasibility of tracking HAZMAT shipments shipped via commercial carriers. TSA provided funding in the amount of \$1,000,000 for the initial development of the FEDTRAK™ program for "security sensitive material tracking" Research and Development. Since the initial funding, the agency has committed \$1,500,000 for the evaluation and cost technology study directed by Congress in the 9/11 Act Section 1554 (a)(2)(c). The final technology evaluation and cost report provided an evaluation of the available technology and updated the costs associated with the technology and was completed in July 2013.

Since July 2013, TSA spent several months reviewing the tracking technology evaluation and cost report, developed by the Kentucky Transportation Center (KTC). Through continuous communication with the KTC in the past nine months, the TSA has elected to continue the funding of the FEDTRAK™ Research and Development by committing an additional \$1,500,000 for the development of an electronic manifest-chain of custody control over Tier 1 Highway Security Sensitive Materials shipments. This work will help to mitigate the problem of "insider" security threats of highway shipments of Tier 1 Highway Security Sensitive Materials. To date, TSA has committed \$4.0 million toward the security of motor carrier shipment of security-sensitive materials.

Mr. CULBERSON. Thank you very much. You will need to get that, please, back to the chairman and the committee in writing.

We are also of course concerned about the lack of a central tracking system and therefore the lack of real-time visibility into the nationwide movement of trucks that are carrying hazardous material. And I wanted to ask you, sir, if you could, to tell us, short of essentially shutting down the entire nationwide system of Tier 1 highway security-sensitive material after a security incidence, what other tools do you have at your disposal to deal with the aftermath of a security incident involving a truck carrying anhydrous ammonia or some other deadly chemical?

Mr. PISTOLE. So, Congressman, as you know, that goes way beyond TSA's responsibility or authority in terms of trying to prevent bad things like that from happening. Once it happens, then there are multiple agencies with the government that would be involved. Our focus is on the intelligence ahead of time. Is there any terrorist intent to do something with these hazmat loads? Do they have the means, the motive, the opportunity? And so that is why we do the security threat assessments on the drivers. The vehicle load obviously is something that we look at with industry to say, do you have the ability, you industry, to know precisely where all these hazmat loads are at any given time, similar to what FedEx or UPS does in tracking packages around the world, or Amazon?

Mr. CULBERSON. Right. This is an area you are not particularly familiar with?

Mr. PISTOLE. That is correct.

Mr. CULBERSON. Okay. So you will get back to the chairman in detail, I know you will, in response to these questions. And if you

could also please describe for the chairman and Mr. Price and the committee the TSA's plan for how you are going to implement this really vital research and development initiative and TSA's fiscal year 2014 funding intentions on this program.

Mr. PISTOLE. I will take that back.

[The information follows:]

TSA is a "risk based" organization, improving mission effectiveness by implementing risk-based, intelligence-driven security initiatives across all transportation modes. Since there is no "actionable intelligence" regarding threats specifically directed at Highway Security Sensitive Materials truck shipments, TSA will continue to use tools available such as security directives and the agency's voluntary security action items guidance to industry which recommends that industry track such shipments. TSA will continue to utilize the agency's Hazardous Materials Endorsement Threat Assessment Program which conducts a security threat assessment for any driver seeking to obtain, renew, or transfer a hazardous materials endorsement on a state-issued commercial driver's license.

Furthermore, TSA will depend heavily on industry partners to provide industry tracking systems information, bulk messaging and support from their telematics service providers. Several high risk shipments are currently being tracked by government agencies to include Department of Defense (Arms, Ammunition & Explosives), Department of Energy (environmental waste), and Nuclear Regulatory Commission tracking nuclear shipments. The TSA is currently working with these agencies to ultimately compile a comprehensive database to track all motor carrier shipment of security-sensitive materials throughout our transportation systems.

TSA has several initiatives in place to prevent a security incident involving a truck transporting hazardous material from occurring. These measures include conducting comprehensive assessments of highway and motor carrier operators and infrastructure vulnerability assessments of bridges and tunnels. Additionally, Intermodal Security Training Exercise Program (I-STEP) assists TSA and the transportation systems sector by conducting a security exercise program for security partners in the highway sector. I-STEP enables security partners to enhance security capabilities, build partnerships, and gain insights in transportation security to prevent and deter acts of terrorism. These programs together with stakeholder collaboration ensure TSA's Federal, state and local and private sector partners who are responsible for responding to a security incident involving a truck carrying anhydrous ammonia or other deadly chemical are prepared and have the most proven and emerging countermeasures to mitigate vulnerabilities.

Mr. CULBERSON. I really appreciate it.

I had a couple other, Mr. Chairman. Forgive me for running late.

Mr. CARTER. Okay. Go ahead.

#### BEHAVIOR DETECTION

Mr. CULBERSON. Thank you, Mr. Chairman.

Quickly if I could, sir, I want to bring to your attention, following up Mr. Price's question, that the director of Israeli airport security for 7 years, Isaac Yeffet, it came out in the GSA report that Mr. Price mentioned and I know Mr. Cuellar asked you about as well, said that essentially the behavioral techniques that you are using are little better than chance in rooting out terrorists. Mr. Yeffet, who is security director for El Al Airlines, actually described the behavior detection techniques at U.S. Airports that TSA is using as worthless. He said they are just absolutely worthless. So it is a real concern. And why we don't bring in the Israelis in a more visible and active way, to recreate.

I always remember when I got on this subcommittee back when we first started, and they described to us at the time, it is like an onion. You get closer to the aircraft, you have to penetrate these various layers of the onion. And they focus on, as Mr. Yeffet said, and I just want to pass this on to you, sir, and talk to you if I

could, he said that the Americans do it worse basically than amateurs, that we don't hire the right people and we don't train them very well.

He is focused on ensuring that the people they hire do it correctly or they are fired. Quote, we give them test after test, and there is no mercy. You fail the test, you go home. I don't care who you are. You are fired. You are just gone, because the stakes are so high and so important. And if you don't know how to treat anyone in a test, it means you don't know how to treat a man in real-time, and you are just gone. And it is his experience, and certainly you know this as well, and we all do, unfortunately, in the Federal Government it is almost impossible to fire anybody. I think to this day nobody has been fired for 9/11. It just is maddening.

And Mr. Yeffet says if the TSA behavior detection officers failed in a test, in some cases they continue to work and can take the test again. He just recommends, and I want to ask you specifically, why don't we simply, as he recommends, as they do in Israel, hire qualified people, give them proper training, and test them, and if they don't meet the standards, fire them? They focus on behavior. They don't focus on items so much as they do behavior, which is logical in commonsense law enforcement.

Why can't you simply fire people, particularly in this critically important job, if they don't measure up, as they do in Israel.

#### REMOVAL OF EMPLOYEES

Mr. PISTOLE. So you asked a number of questions there. There are several aspects. Last year we fired over 1,400 employees for nonperformance. So this notion that we don't fire people for not doing the job is not accurate. The year before, 1,605 people; the year before, 1,124. So we do fire people. We have an annual certifications. The enabling legislation requires us to certify frontline employees on an annual basis.

Mr. CULBERSON. Were they fired for their failure to be able to correctly identify behavior or for failure to protect the security of the aircraft?

Mr. PISTOLE. Failure to perform their duties as we require. So regarding the issue in terms of the behavior detection program, I would have to go back and check. I am not aware of anybody specifically being fired because they did not identify a high-risk passenger, because we know from 9/11—

Mr. CULBERSON. Or fail their tests in identifying such folks.

Mr. PISTOLE. So that is what I will have to go back and look at, to peel back the onion more on that number.

[The information follows: ]

In FY13, the TSA removed three Behavior Detection Officers (BDO) out of more than 3000 positions for test failure. Currently, all Behavior Detection Officers have at least a year of experience as a Transportation Security Officer prior to being selected. Those selected receive additional behavior detection and analysis training and earn BDO certification. As a threshold, these officers take written and practical tests to be certified as a Behavior Detection Officer. Once certified, they are subject to recurrent recertification requirements. Behavior Detection and Analysis Program recertification consists of three separate processes.

The Behavior Detection Officer Written Assessment tests the officer's knowledge of the Standard Operation Procedures and consists of 35 questions conducted once a year.

The Proficiency Evaluation Checklist is a comprehensive practical evaluation of how the Behavior Detection Officer carries out program specific procedures consisting of 39 tasks conducted twice a year.

Practical Skills Evaluation is another comprehensive practical evaluation conducted twice a year evaluating Behavior Detection Officer proficiency with required bag screening procedures.

#### BEHAVIOR DETENTION

Mr. PISTOLE. I will say that DHS S&T did a study several years ago that found the use of behavior detection was eight to nine times more effective than random, and so the whole Israeli program, as we were talking about earlier, is based on or predicated on being able to profile.

Mr. CULBERSON. That is not what he says. It is just behavior, and they ask questions. They ask questions designed to flip people's switches.

Mr. PISTOLE. True, but they are basing who they talk to—again, if they see a 75-year old Jewish woman, an Israeli citizen, they are not going to ask the same questions as that 23-year-old Arab Muslim male. So there are different questions of who—so it is all predicated on who they—

Mr. CULBERSON. The Jewish lady is not going to react the same way to the same question they may ask somebody else. What they are doing is looking for behavior.

Mr. PISTOLE. That is right. My point is they are using techniques or things that we are not authorized to use.

Mr. CULBERSON. But you need to also, please, show me the law that prohibits us from doing so.

Mr. PISTOLE. Okay.

Mr. CULBERSON. They have never been able to do that, by the way. In all the years that I have been on this committee, Mr. Chairman, I have asked repeatedly, and none of you have ever been able to show me the law that prohibits us—

#### PROFILING

Mr. PISTOLE. Profiling?

Mr. CULBERSON [continuing]. From doing what the Israelis do, and that is behavioral-based screening.

Mr. PISTOLE. They are very up front about saying they are profiling, based on those two scenarios I gave you, which my reading of the Constitution and law says that we are precluded from doing that. So if you have something that says we can, I would be glad to have that dialogue.

Mr. CULBERSON. No, I am just asking you to show me the law that says you can't use the techniques the Israelis use.

Mr. PISTOLE. Well, that is profiling.

Mr. CULBERSON. I am not asking you to profile. I am asking you to just use what in terms of behavioral observation, you know, they ask questions, they watch for reactions.

Mr. PISTOLE. So it was the Israeli Ben Gurion experts who helped us develop the program initially, if that helps to answer your question.

Mr. CARTER. Mr. Culberson, will you yield just a moment?

Mr. CULBERSON. Yes, sir.

Mr. CARTER. The Israeli civil liberties are not the same as ours. For instance, it is my understanding that Israeli snipers may shoot someone who has not fired a weapon——

Mr. CULBERSON. Oh, yeah. That is not what I am suggesting.

Mr. CARTER. And quite a few other things. We are dealing with a different constitution and a different bill of rights.

Mr. CULBERSON. Sure. And I want to stress, you are exactly right, Mr. Chairman, that is not what I am suggesting. I am just asking, first of all, that the Israelis have a higher standard of performance for their law enforcement officers than we do. And he is suggesting, and I would like to offer this for the record, Mr. Chairman, I know that Mr. Price, everyone on the committee would benefit from this article, Mr. Yeffet says don't eliminate the program, just hire qualified people and test them, and if they don't measure up, fire them. That is all.

[The information follows:]

## Israeli Aviation Security Expert Calls TSA's Behavioral Detection Skills 'Worthless'

Dennis Schaal, Skift

[@denschaal](#)

Skift Take

As part of El Al's techniques, employees ask passengers a flurry of seemingly random questions before they get to the ticket counter, looking for holes in their stories or deception. If trained properly, U.S. airlines would do well in emulating the practice for security's sake.

A former security director for Israeli state airline [El Al](#) says the manner in which the United States' Transportation and Security Administration carries out behavior-detection activities at U.S. airports is "worthless." This criticism comes on the heels of a [Government Accountability Office study](#) that found that such behavioral techniques as practiced by the TSA were little better than "chance" in rooting out terrorists.

Isaac Yeffet, a security consultant who served as security director of El Al from 1977 to 1984 and later was deputy director of security operations for the Israeli Foreign Ministry, tells Skift he is a strong proponent of behavior detection, but faults how the TSA is implementing it.

"They do it like less than amateurs, Yeffet says. "They don't hire the right people and they don't train them well."

Yeffet says the TSA's behavior detection officers spend four days in a classroom instead of lengthier instruction and being tested in the field, and that the TSA should be hiring former detectives and people with high-quality security experience to fill these roles.

The GAO cited a study that it reviewed that found that there was little difference in performance between former law enforcement personnel and those without such experience in detecting threats by behavioral means.

The TSA's plainclothes behavior detection officers are schooled on looking for 94 indicators of deception, fear and stress as they wander around U.S. airports.

"Just to take guys and spend \$200 million and to put them in a classroom" is inadequate, Yeffet says.

The TSA program in its rough outlines is modeled after El Al's security techniques.

Yeffet says El Al hires former military personnel and others with security experience, trains them on the job for three weeks with experienced security personnel, and “then we test them.”

“We give them test after test, and there’s no mercy,” Yeffet says. “You fail the test, you go home. I don’t care who it is.”

“If you don’t know how to treat anyone in a test, it means you don’t know how to treat a man in real time,” he says, adding that hundreds of passengers’ lives could be at stake.

Yeffet says if the TSA behavior detection officers fail a test, in some cases they continue to work and can take the test again.

Hiring qualified people, giving them proper training and testing are the keys to success, Yeffet says.

“We are not geniuses, believe me,” Yeffet says, referring to Israeli security. “We know what questions to ask. Simple questions.”

The GAO report (embedded below) called for the defunding of the SPOT (Screening of Passengers by Observation Techniques) program, and yesterday TSA administrator John Pistole defended it, saying cutting off funding would be a mistake.

Yeffet says Congress shouldn’t eliminate the \$200 million that goes to SPOT annually, but should hire qualified people to run the program.

He scoffs at the notion that although behavioral detection techniques have proven a success in Israel, they don’t translate to a much larger U.S.

He said the basic procedures at U.S. and Israeli airports are similar.

When Yeffet was El Al’s security director, the behavioral detection techniques didn’t muck up operations.

“We didn’t cause one flight delay,” Yeffet says, adding that someone under suspicion wouldn’t board and the flight could proceed on time.

Yeffet argues that the U.S. should give behavioral detection another try, albeit with a revamped program.

Says Yeffet: “If you fail and see it is mission impossible, at least you tried and saw it doesn’t work.”

<http://skift.com/2013/11/15/tsas-behavioral-detection-techniques-are-worthless-says-former-el-al-security-director/>



Mr. PISTOLE. Got it.

Mr. PRICE. Mr. Chairman, let me just say in terms—may I?

Mr. CARTER. Sure.

Mr. PRICE. I think the administrator is absolutely correct in his accounting of way the Israelis themselves describe their program. It is profiling, and it is profiling that I think under our Constitution, under our judicial precedents, would simply be prohibited. Now, the question is, are there aspects of the Israeli program that go beyond that that we can utilize?

Mr. CULBERSON. That is what I am driving at.

Mr. PRICE. Good.

Mr. CULBERSON. That is what I am driving at.

Mr. PISTOLE. Yeah. And, again, we use some of their techniques that aren't based on profiling in terms of developing the BDO program.

Mr. CULBERSON. What sort of things can we do here? And I still haven't seen the statutes that sort of put the fence around what we can and can't do. If you could provide that to the committee.

[The information follows:]

On April 26, 2013, Secretary Napolitano issued a Memorandum for Component Heads setting for the Department of Homeland Security's policy prohibiting the consideration of race or ethnicity in the investigation, screening, and enforcement activities in all but the most exceptional instances. The Department's official policy on the issue follows:

*"Racial profiling" is the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation or screening activities. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. The Department of Homeland Security (DHS) has explicitly adopted the Department of Justice's "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," issued in June 2003. It is the policy of DHS to prohibit the consideration of race or ethnicity in our daily law enforcement and screening activities in all but the most exceptional instances, as defined in the DOJ Guidance. DHS personnel may use race or ethnicity only when a compelling governmental interest is present, and only in a way narrowly tailored to meet that compelling interest. Of course, race- or ethnicity- based information that is specific to particular suspects or incidents, or ongoing criminal activities, schemes or enterprises may be considered, as stated in the DOJ Guidance.*

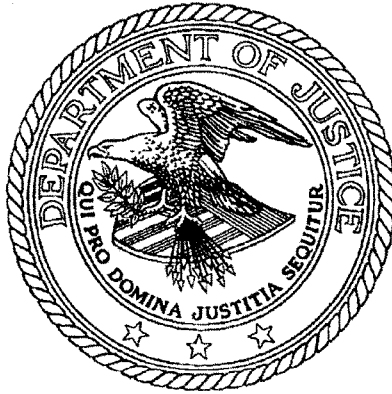
*Except as noted below, it is DHS policy, although not required by the Constitution, that tools, policies, directives, and rules in law enforcement and security settings that consider, as an investigative or screening criterion, an individual's simple connection to a particular country, by birth or citizenship, should be reserved for situations in which such consideration is based on an assessment of intelligence and risk, and in which alternatives do not meet security needs, and such consideration should remain in place only as long as necessary. These self-imposed limits, however do not apply to antiterrorism, immigration, or customs activities in which nationality is expressly relevant to the administration or enforcement of a statute, regulation or executive order, or in individualized discretionary use of nationality as a screening, investigation or enforcement factor.*

Following is the *Guidance Regarding the Use of Race by Federal Law Enforcement Agencies*, issued by the U.S. Department of Justice, June 2003, used by DHS in developing its explicit policy on "racial profiling". The Guidance specifically calls out the Constitutional basis against selective enforcement of the law, and cites the specific case law supporting this interpretation.

U.S. Department of Justice  
Civil Rights Division

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## **GUIDANCE REGARDING THE USE OF RACE BY FEDERAL LAW ENFORCEMENT AGENCIES**



June 2003

## INTRODUCTION AND EXECUTIVE SUMMARY

In his February 27, 2001, Address to a Joint Session of Congress, President George W. Bush declared that racial profiling is "wrong and we will end it in America." He directed the Attorney General to review the use by Federal law enforcement authorities of race as a factor in conducting stops, searches and other law enforcement investigative procedures. The Attorney General, in turn, instructed the Civil Rights Division to develop guidance for Federal officials to ensure an end to racial profiling in law enforcement.

"Racial profiling" at its core concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement investigative procedures. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity.

Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.<sup>1</sup>

The use of race as the basis for law enforcement decision-making clearly has a terrible cost, both to the individuals who suffer invidious discrimination and to the Nation, whose goal of "liberty and justice for all" recedes with every act of such discrimination. For this reason, this guidance in many cases imposes more restrictions on the consideration of race and ethnicity in Federal law enforcement than the Constitution requires.<sup>2</sup> This guidance prohibits racial profiling in law enforcement practices without hindering the important work of our Nation's public safety officials, particularly the intensified anti-terrorism efforts precipitated by the events of September 11, 2001.

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<sup>1</sup> See *United States v. Montero-Camargo*, 208 F.3d 1122, 1135 (9th Cir. 2000) ("Stops based on race or ethnic appearance send the underlying message to all our citizens that those who are not white are judged by the color of their skin alone.").

<sup>2</sup> This guidance is intended only to improve the internal management of the executive branch. It is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial or any other proceeding.

**I. Traditional Law Enforcement Activities.** Two standards in combination should guide use by Federal law enforcement authorities of race or ethnicity in law enforcement activities:

- **In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree, except that officers may rely on race and ethnicity in a specific suspect description. This prohibition applies even where the use of race or ethnicity might otherwise be lawful.**
- **In conducting activities in connection with a specific investigation, Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization. This standard applies even where the use of race or ethnicity might otherwise be lawful.**

**II. National Security and Border Integrity.** The above standards do not affect current Federal policy with respect to law enforcement activities and other efforts to defend and safeguard against threats to national security or the integrity of the Nation's borders,<sup>3</sup> to which the following applies:

- **In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security), or in enforcing laws protecting the integrity of the Nation's borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States.**

Any questions arising under these standards should be directed to the Department of Justice.

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<sup>3</sup> This guidance document does not apply to U.S. military, intelligence, protective or diplomatic activities conducted consistent with the Constitution and applicable Federal law.

## THE CONSTITUTIONAL FRAMEWORK

"[T]he Constitution prohibits selective enforcement of the law based on considerations such as race." *Whren v. United States*, 517 U.S. 806, 813 (1996). Thus, for example, the decision of federal prosecutors "whether to prosecute may not be based on 'an unjustifiable standard such as race, religion, or other arbitrary classification.'" <sup>4</sup> *United States v. Armstrong*, 517 U.S. 456, 464 (1996) (quoting *Oyler v. Boles*, 368 U.S. 448, 456 (1962)). The same is true of Federal law enforcement officers. Federal courts repeatedly have held that any general policy of "utiliz[ing] impermissible racial classifications in determining whom to stop, detain, and search" would violate the Equal Protection Clause. *Chavez v. Illinois State Police*, 251 F.3d 612, 635 (7th Cir. 2001). As the Sixth Circuit has explained, "[i]f law enforcement adopts a policy, employs a practice, or in a given situation takes steps to initiate an investigation of a citizen based solely upon that citizen's race, without more, then a violation of the Equal Protection Clause has occurred." *United States v. Avery*, 137 F.3d 343, 355 (6th Cir. 1997). "A person cannot become the target of a police investigation solely on the basis of skin color. Such selective law enforcement is forbidden." *Id.* at 354.

As the Supreme Court has held, this constitutional prohibition against selective enforcement of the law based on race "draw[s] on 'ordinary equal protection standards.'" *Armstrong*, 517 U.S. at 465 (quoting *Wayte v. United States*, 470 U.S. 598, 608 (1985)). Thus, impermissible selective enforcement based on race occurs when the challenged policy has "a discriminatory effect and . . . was motivated by a discriminatory purpose." *Id.* (quoting *Wayte*, 470 U.S. at 608).<sup>5</sup> Put simply, "to the extent that race is used as a proxy" for criminality, "a racial stereotype requiring strict scrutiny is in operation." *Cf. Bush v. Vera*, 517 U.S. at 968 (plurality).

### I. GUIDANCE FOR FEDERAL OFFICIALS ENGAGED IN LAW ENFORCEMENT ACTIVITIES

#### A. Routine or Spontaneous Activities in Domestic Law Enforcement

**In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree, except that officers may rely on race and ethnicity in a specific suspect description. This prohibition**

<sup>4</sup> These same principles do not necessarily apply to classifications based on alienage. For example, Congress, in the exercise of its broad powers over immigration, has enacted a number of provisions that apply only to aliens, and enforcement of such provisions properly entails consideration of a person's alien status.

<sup>5</sup> Invidious discrimination is not necessarily present whenever there is a "disproportion" between the racial composition of the pool of persons prosecuted and the general public at large; rather, the focus must be the pool of "similarly situated individuals of a different race [who] were not prosecuted." *Armstrong*, 517 U.S. at 465 (emphasis added). "[R]acial disproportions in the level of prosecutions for a particular crime may be unobjectionable if they merely reflect racial disproportions in the commission of that crime." *Bush v. Vera*, 517 U.S. 952, 968 (1996) (plurality).

**applies even where the use of race or ethnicity might otherwise be lawful.**

Federal law enforcement agencies and officers sometimes engage in law enforcement activities, such as traffic and foot patrols, that generally do not involve either the ongoing investigation of specific criminal activities or the prevention of catastrophic events or harm to the national security. Rather, their activities are typified by spontaneous action in response to the activities of individuals whom they happen to encounter in the course of their patrols and about whom they have no information other than their observations. These general enforcement responsibilities should be carried out without *any* consideration of race or ethnicity.

- **Example:** While parked by the side of the George Washington Parkway, a Park Police Officer notices that nearly all vehicles on the road are exceeding the posted speed limit. Although each such vehicle is committing an infraction that would legally justify a stop, the officer may not use race or ethnicity as a factor in deciding which motorists to pull over. Likewise, the officer may not use race or ethnicity in deciding which detained motorists to ask to consent to a search of their vehicles.

Some have argued that overall discrepancies in certain crime rates among racial groups could justify using race as a factor in general traffic enforcement activities and would produce a greater number of arrests for non-traffic offenses (e.g., narcotics trafficking). We emphatically reject this view. The President has made clear his concern that racial profiling is morally wrong and inconsistent with our core values and principles of fairness and justice. Even if there were overall statistical evidence of differential rates of commission of certain offenses among particular races, the affirmative use of such generalized notions by federal law enforcement officers in routine, spontaneous law enforcement activities is tantamount to stereotyping. It casts a pall of suspicion over every member of certain racial and ethnic groups without regard to the specific circumstances of a particular investigation or crime, and it offends the dignity of the individual improperly targeted. Whatever the motivation, it is patently unacceptable and thus prohibited under this guidance for Federal law enforcement officers to act on the belief that race or ethnicity signals a higher risk of criminality. This is the core of "racial profiling" and it must not occur.

The situation is different when an officer has specific information, based on trustworthy sources, to "be on the lookout" for specific individuals identified at least in part by race or ethnicity. In such circumstances, the officer is not acting based on a generalized assumption about persons of different races; rather, the officer is helping locate specific individuals previously identified as involved in crime.

- **Example:** While parked by the side of the George Washington Parkway, a Park Police Officer receives an "All Points Bulletin" to be on the look-out for a fleeing bank robbery suspect, a man of a particular race and particular hair color in his 30s driving a blue automobile. The Officer may use this description, including the race of the particular suspect, in deciding which speeding motorists to pull over.

**B. Law Enforcement Activities Related to Specific Investigations**

**In conducting activities in connection with a specific investigation, Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization. This standard applies even where the use of race or ethnicity might otherwise be lawful.**

As noted above, there are circumstances in which law enforcement activities relating to particular identified criminal incidents, schemes or enterprises may involve consideration of personal identifying characteristics of potential suspects, including age, sex, ethnicity or race. Common sense dictates that when a victim describes the assailant as being of a particular race, authorities may properly limit their search for suspects to persons of that race. Similarly, in conducting an ongoing investigation into a specific criminal organization whose membership has been identified as being overwhelmingly of one ethnicity, law enforcement should not be expected to disregard such facts in pursuing investigative leads into the organization's activities.

Reliance upon generalized stereotypes is absolutely forbidden. Rather, use of race or ethnicity is permitted only when the officer is pursuing a specific lead concerning the identifying characteristics of persons involved in an *identified* criminal activity. The rationale underlying this concept carefully limits its reach. In order to qualify as a legitimate investigative lead, the following must be true:

- The information must be relevant to the locality or time frame of the criminal activity;
- The information must be trustworthy;
- The information concerning identifying characteristics must be tied to a particular criminal incident, a particular criminal scheme, or a particular criminal organization.

The following policy statements more fully explain these principles.

**1. *Authorities May Never Rely on Generalized Stereotypes, But May Rely Only on Specific Race- or Ethnicity-Based Information***

This standard categorically bars the use of generalized assumptions based on race.

- ***Example:*** In the course of investigating an auto theft in a federal park, law enforcement authorities could not properly choose to target individuals of a particular race as suspects, based on a generalized assumption that those individuals are more likely to commit crimes.

This bar extends to the use of race-neutral pretexts as an excuse to target minorities. Federal law enforcement may not use such pretexts. This prohibition extends to the use of other, facially race-



neutral factors as a proxy for overtly targeting persons of a certain race or ethnicity. This concern arises most frequently when aggressive law enforcement efforts are focused on "high crime areas." The issue is ultimately one of motivation and evidence; certain seemingly race-based efforts, if properly supported by reliable, empirical data, are in fact race-neutral.

- **Example:** In connection with a new initiative to increase drug arrests, local authorities begin aggressively enforcing speeding, traffic, and other public area laws in a neighborhood predominantly occupied by people of a single race. The choice of neighborhood was not based on the number of 911 calls, number of arrests, or other pertinent reporting data specific to that area, but only on the general assumption that more drug-related crime occurs in that neighborhood because of its racial composition. This effort would be improper because it is based on generalized stereotypes.
- **Example:** Authorities seeking to increase drug arrests use tracking software to plot out where, if anywhere, drug arrests are concentrated in a particular city, and discover that the clear majority of drug arrests occur in particular precincts that happen to be neighborhoods predominantly occupied by people of a single race. So long as they are not motivated by racial animus, authorities can properly decide to enforce all laws aggressively in that area, including less serious quality of life ordinances, as a means of increasing drug-related arrests. *See, e.g., United States v. Montero-Camargo*, 208 F.3d 1122, 1138 (9th Cir. 2000) ("We must be particularly careful to ensure that a 'high crime' area factor is not used with respect to entire neighborhoods or communities in which members of minority groups regularly go about their daily business, but is limited to specific, circumscribed locations where particular crimes occur with unusual regularity.").

By contrast, where authorities are investigating a crime and have received *specific information* that the suspect is of a certain race (e.g., direct observations by the victim or other witnesses), authorities may reasonably use that information, even if it is the only descriptive information available. In such an instance, it is the victim or other witness making the racial classification, and federal authorities may use reliable incident-specific identifying information to apprehend criminal suspects. Agencies and departments, however, must use caution in the rare instance in which a suspect's race is the only available information. Although the use of that information may not be unconstitutional, broad targeting of discrete racial or ethnic groups always raises serious fairness concerns.

- **Example:** The victim of an assault at a local university describes her assailant as a young male of a particular race with a cut on his right hand. The investigation focuses on whether any students at the university fit the victim's description. Here investigators are properly relying on a description given by the victim, part of which included the assailant's race. Although the ensuing investigation affects students of a particular

race, that investigation is not undertaken with a discriminatory purpose. Thus use of race as a factor in the investigation, in this instance, is permissible.

## 2. *The Information Must be Relevant to the Locality or Time Frame*

Any information concerning the race of persons who may be involved in specific criminal activities must be locally or temporally relevant.

- **Example:** DEA issues an intelligence report that indicates that a drug ring whose members are known to be predominantly of a particular race or ethnicity is trafficking drugs in Charleston, SC. An agent operating in Los Angeles reads this intelligence report. In the absence of information establishing that this intelligence is also applicable in Southern California, the agent may not use ethnicity as a factor in making local law enforcement decisions about individuals who are of the particular race or ethnicity that is predominant in the Charleston drug ring.

## 3. *The Information Must be Trustworthy*

Where the information concerning potential criminal activity is unreliable or is too generalized and unspecific, use of racial descriptions is prohibited.

- **Example:** ATF special agents receive an uncorroborated anonymous tip that a male of a particular race will purchase an illegal firearm at a Greyhound bus terminal in a racially diverse North Philadelphia neighborhood. Although agents surveilling the location are free to monitor the movements of whomever they choose, the agents are prohibited from using the tip information, without more, to target any males of that race in the bus terminal. *Cf. Morgan v. Woessner*, 997 F.2d 1244, 1254 (9th Cir. 1993) (finding no reasonable basis for suspicion where tip "made all black men suspect"). The information is neither sufficiently reliable nor sufficiently specific.

## 4. *Race- or Ethnicity-Based Information Must Always be Specific to Particular Suspects or Incidents, or Ongoing Criminal Activities, Schemes, or Enterprises*

These standards contemplate the appropriate use of both "suspect-specific" and "incident-specific" information. As noted above, where a crime has occurred and authorities have eyewitness accounts including the race, ethnicity, or other distinguishing characteristics of the perpetrator, that information may be used. Federal authorities may also use reliable, locally relevant information linking persons of a certain race or ethnicity to a particular incident, unlawful scheme, or ongoing criminal enterprise – even absent a description of any particular individual suspect. In certain cases, the circumstances surrounding an incident or ongoing criminal activity will point strongly to a perpetrator of a certain race, even though authorities lack an eyewitness account

- Example:** The FBI is investigating the murder of a known gang member and has information that the shooter is a member of a rival gang. The FBI knows that the members of the rival gang are exclusively members of a certain ethnicity. This information, however, is not suspect-specific because there is no description of the particular assailant. But because authorities have reliable, locally relevant information linking a rival group with a distinctive ethnic character to the murder, Federal law enforcement officers could properly consider ethnicity in conjunction with other appropriate factors in the course of conducting their investigation. Agents could properly decide to focus on persons dressed in a manner consistent with gang activity, but ignore persons dressed in that manner who do not appear to be members of that particular ethnicity.

It is critical, however, that there be reliable information that ties persons of a particular description to a specific criminal incident, ongoing criminal activity, or particular criminal organization. Otherwise, any use of race runs the risk of descending into reliance upon prohibited generalized stereotypes.

- Example:** While investigating a car theft ring that dismantles cars and ships the parts for sale in other states, the FBI is informed by local authorities that it is common knowledge locally that most car thefts in that area are committed by individuals of a particular race. In this example, although the source (local police) is trustworthy, and the information potentially verifiable with reference to arrest statistics, there is no particular incident- or scheme- specific information linking individuals of that race to the particular interstate ring the FBI is investigating. Thus, without more, agents could not use ethnicity as a factor in making law enforcement decisions in this investigation.

Note that these standards allow the use of reliable identifying information about planned future crimes. Where federal authorities receive a credible tip from a reliable informant regarding a planned crime that has not yet occurred, authorities may use this information under the same restrictions applying to information obtained regarding a past incident. A prohibition on the use of reliable prospective information would severely hamper law enforcement efforts by essentially compelling authorities to wait for crimes to occur, instead of taking pro-active measures to prevent crimes from happening.

- Example:** While investigating a specific drug trafficking operation, DEA special agents learn that a particular methamphetamine distribution ring is manufacturing the drug in California, and plans to have couriers pick up shipments at the Sacramento, California airport and drive the drugs back to Oklahoma for distribution. The agents also receive trustworthy information that the distribution ring has specifically chosen to hire older couples of a particular race to act as the couriers. DEA agents may properly target older couples of that particular race driving vehicles with indicia such as Oklahoma plates near the Sacramento airport.

## II. GUIDANCE FOR FEDERAL OFFICIALS ENGAGED IN LAW ENFORCEMENT ACTIVITIES INVOLVING THREATS TO NATIONAL SECURITY OR THE INTEGRITY OF THE NATION'S BORDERS

**In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security), or in enforcing laws protecting the integrity of the Nation's borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States.**

Since the terrorist attacks on September 11, 2001, the President has emphasized that federal law enforcement personnel must use every legitimate tool to prevent future attacks, protect our Nation's borders, and deter those who would cause devastating harm to our Nation and its people through the use of biological or chemical weapons, other weapons of mass destruction, suicide hijackings, or any other means. "It is 'obvious and unarguable' that no governmental interest is more compelling than the security of the Nation." *Haig v. Agee*, 453 U.S. 280, 307 (1981) (quoting *Aptheker v. Secretary of State*, 378 U.S. 500, 509 (1964)).

The Constitution prohibits consideration of race or ethnicity in law enforcement decisions in all but the most exceptional instances. Given the incalculably high stakes involved in such investigations, however, Federal law enforcement officers who are protecting national security or preventing catastrophic events (as well as airport security screeners) may consider race, ethnicity, and other relevant factors to the extent permitted by our laws and the Constitution. Similarly, because enforcement of the laws protecting the Nation's borders may necessarily involve a consideration of a person's alienage in certain circumstances, the use of race or ethnicity in such circumstances is properly governed by existing statutory and constitutional standards. See, e.g., *United States v. Brignoni-Ponce*, 422 U.S. 873, 886-87 (1975).<sup>6</sup> This policy will honor the rule of law and promote vigorous protection of our national security.

As the Supreme Court has stated, all racial classifications by a governmental actor are subject to the "strictest judicial scrutiny." *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 224-25 (1995). The application of strict scrutiny is of necessity a fact-intensive process. *Id.* at 236. Thus, the legality of particular, race-sensitive actions taken by Federal law enforcement officials in the context of national security and border integrity will depend to a large extent on the circumstances at hand. In absolutely no event, however, may Federal officials assert a national security or border integrity rationale as a mere pretext for invidious discrimination. Indeed, the very purpose of the strict scrutiny test is to "smoke out" illegitimate use of race, *Adarand*, 515 U.S. at 226 (quoting *Richmond v. J.A.*

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<sup>6</sup> Moreover, as in the traditional law enforcement context described in the second standard, *supra*, officials involved in homeland security may take into account specific, credible information about the descriptive characteristics of persons who are affiliated with identified organizations that are actively engaged in threatening the national security.

*Croson Co.*, 488 U.S. 469, 493 (1989)), and law enforcement strategies not actually premised on *bona fide* national security or border integrity interests therefore will not stand.

In sum, constitutional provisions limiting government action on the basis of race are wide-ranging and provide substantial protections at every step of the investigative and judicial process. Accordingly, and as illustrated below, when addressing matters of national security, border integrity, or the possible catastrophic loss of life, existing legal and constitutional standards are an appropriate guide for Federal law enforcement officers.

- **Example:** The FBI receives reliable information that persons affiliated with a foreign ethnic insurgent group intend to use suicide bombers to assassinate that country's president and his entire entourage during an official visit to the United States. Federal law enforcement may appropriately focus investigative attention on identifying members of that ethnic insurgent group who may be present and active in the United States and who, based on other available information, might conceivably be involved in planning some such attack during the state visit.
- **Example:** U.S. intelligence sources report that terrorists from a particular ethnic group are planning to use commercial jetliners as weapons by hijacking them at an airport in California during the next week. Before allowing men of that ethnic group to board commercial airplanes in California airports during the next week, Transportation Security Administration personnel, and other federal and state authorities, may subject them to heightened scrutiny.

Because terrorist organizations might aim to engage in unexpected acts of catastrophic violence in any available part of the country (indeed, in multiple places simultaneously, if possible), there can be no expectation that the information must be specific to a particular locale or even to a particular identified scheme.

Of course, as in the example below, reliance solely upon generalized stereotypes is forbidden.

- **Example:** At the security entrance to a Federal courthouse, a man who appears to be of a particular ethnicity properly submits his briefcase for x-ray screening and passes through the metal detector. The inspection of the briefcase reveals nothing amiss, the man does not activate the metal detector, and there is nothing suspicious about his activities or appearance. In the absence of any threat warning, the federal security screener may not order the man to undergo a further inspection solely because he appears to be of a particular ethnicity.

Mr. CULBERSON. And I would love to add this for the record, if I could, Mr. Chairman. Thank you for the extra time.

Mr. CARTER. We will enter this in the record. We will try to get a copy to everybody, as you request.

Mr. CULBERSON. Thank you.

Mr. CARTER. All right. I guess we have got a few more people.

Ms. Roybal-Allard.

#### SCREENING PARTNERSHIP PROGRAM

Ms. ROYBAL-ALLARD. Administrator Pistole, the Screening Partnership Program (SPP), as I understand it, is a pre-9/11 model of security that allows airports to contract with private companies to screen travelers at security checkpoints. In the past you have testified that in many cases private contractors are actually more expensive than government employees and that there is no evidence of private contractors providing a higher level of service or security than government employees. I believe that you continue to monitor private screener performance at SPP airports.

Based on your ongoing analysis, have your views in any way changed on the use of and the cost effectiveness of private screeners instead of trained TSA personnel to protect the travelling public?

Mr. PISTOLE. Thank you, Congresswoman. Yes, historically the privatized airports over the last several years have been anywhere from 3 to 9 percent more expensive than the Federal workforce. That being said, I think competition and some of these new standards where we are actually publishing our costs will help drive those costs down. So it remains to be seen what the future costs will be.

We do assessments of those 14 airports in terms of their detection capabilities and in their customer service through several different programs that we have, which we can go into some detail if you would like. And generally they fall within the same median of our airports in terms of detection capabilities, security effectiveness, and passenger customer service if you will. So it has been a cost driver particularly.

Now, the more and more SPP airports there are drives up our administrative costs for TSA because we have to have more contract people, people to oversee those contracts and everything, and especially as more and more companies may become involved as opposed to one company. So you have the U.S. Government, then you have one company doing everything. So it does drive up our costs. As we are trying to use risk-based approaches and acquire efficiencies, I want to be mindful of that.

So we will see with these next six that, again, the contracts will be awarded through September, where they come out in terms of their proposals, how much it will cost, and then we will evaluate that. But it is something that I am mindful of, simply trying to provide the best and most effective security in the most efficient way, because taxpayers are still paying for it whether it is privatized or it is TSA employees.

Ms. ROYBAL-ALLARD. And then based on your evaluation, would you have any recommendations for this committee with regard to that?

Mr. PISTOLE. I think so. So we will see how these contracts come in and what the costs are, and so I will be better informed in the fall as to what the way forward might be.

Ms. ROYBAL-ALLARD. Okay. I look forward to that.

#### EMPLOYMENT OF FEMALE SCREENERS

Just quickly, I want to just follow up a little bit on the issue that Congresswoman Lowey brought up with regards to the female TSOs, because I have had the same concerns. My question is, what is being done to increase the number of women TSOs in the workplace?

Mr. PISTOLE. So we are doing several things, Congresswoman, to try to both attract and retain women as security officers because of their critical need in carrying out the function. That includes recruitment on campuses and community colleges where we are doing associates programs for TSA employees. Especially in those larger airports where we are hiring people, such as LAX, where we are always looking for qualified people, we try to make that a priority and have senior either TSA employees who are women or others who can speak on our behalf to do part of that recruitment. So that is one thing.

Another is to try to work with them in terms of scheduling. So as you know, we have a number of part-time employees, and it may be that a female security officer would have the opportunity to go from part-time to full-time more readily than her male counterpart because of the greater need. And so that is something that I think is appealing to those women who are looking for full-time, recognizing that some are simply looking for a part-time job to try to balance family and perhaps other responsibilities. So that is something that we are looking at on a regular basis.

But I will say it is a challenge, and so even though 43 percent of the screening workforce are women, I obviously would like to get that higher and we keep focusing on that. Obviously low pay has been one of those issues that have been one of the morale issues that we have had. So longer term, I am hoping to take some of the efficiencies that we glean from RBS and invest that back in the workforce in terms of additional training, perhaps additional pay, different things that we might be able to do to not only attract but retain those qualified people, especially women.

Ms. ROYBAL-ALLARD. Thank you.

Mr. CARTER. Is everybody satisfied with not having a third round?

Mr. PRICE. Yes, Mr. Chairman.

#### PUBLIC-PRIVATE PARTNERSHIPS

Mr. CARTER. All right. Just an aside that I talked to you about on the phone the other day, the CBP is making strides with regards to the expansion of Global Entry by establishing a robust public-private partnership relationship between public and private entities at some of our busiest points of entry down on the southern border. I am wondering, we talked about this a little bit, if you have started thinking about the concept of TSA and maybe the SPP program in certain venues, and in certain places, of establishing a

public-private partnership or thinking outside the box in other areas.

One of the things that Mr. Culberson mentioned about tracking trucks. I visited a private business that insures cargo, and they track trucks, trains, and ships all over the world. As long as they got that one sealed cargo, they know where that thing is, and they got a board that looks like something that would be in the basement of the Pentagon that has got dots on it, and those dots move all around the world, and they are keeping track of it because they have to pay for it. Okay?

It might be that there is relevance to a public-private partnership with someone who is doing business like that to track dangerous cargo on a contract basis with the TSA. That kind of thinking might offer a lot of solutions as we work towards the future because industry is very robust in this country, and they come up with good ideas, as you are well aware.

I would like to make one set of closing remarks, please. Administrator Pistole, thanks for being here today. We appreciate it, and you answered our questions very effectively. We appreciate it.

When we conclude this hearing, I want to remember that last November Transportation Security Officer Gerardo I. Hernandez was killed in a fatal shooting at Los Angeles International Airport. This tragedy was a great loss for the DHS community and particularly for TSA. It also serves as a sobering reminder that there are sacrifices made by the men and women of Homeland Security. At great risk, we secure our homeland, and we honor their dedication by offering our gratitude and support.

On a final note, this subcommittee wants to recognize Mr. David Nicholson for his public service. Since March 2005, Mr. Nicholson has served as TSA's Chief Financial Officer. In that position he has been responsible for the financial operations at TSA, including operations at more than 450 airports. David has served in a variety of positions in the Department, and for nearly 20 years he served in the U.S. Coast Guard, attaining the rank of Rear Admiral while spending most of his time in the Pacific, Bering Sea, Caribbean, east coast, and northeast Atlantic.

David, we have been told that this is your last subcommittee hearing. We issue our sincerest congratulations, and we thank you for your service to our nation.

Mr. NICHOLSON. Thank you.

Mr. PISTOLE. Thank you, Chairman. I tried to get him to testify today but we couldn't quite pull that off.

Mr. CARTER. A painless vacation here. Good for you.

If there is nothing further from anybody, then we will move on to our next hearing later this week. Tomorrow. Okay. This meeting is adjourned.



## QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE John Carter**

**Administrator John Pistole, Transportation Security Administration**  
Committee on Appropriations  
Subcommittee on Homeland Security  
FY 2015 Transportation Security Administration Budget Request  
March 25, 2014

**Risk Based Security**

**Question:** TSA's risk-based approaches to passenger screening are resulting in better security, more streamlined operations, and lower costs. However, to build on this momentum, it is critical that enrollment opportunities for TSA's Pre-Check program are expanded beyond their current scope. Will TSA consider partnering with airports and the private sector to leverage the marketing expertise of the private sector, to help expand awareness of the program, and drive enrollment?

**ANSWER:** Yes, the Transportation Security Administration (TSA) continues to welcome the opportunity to partner with private industry to market TSA's risk-based security initiatives. The success of initiatives such as TSA Pre✓™ would not have been possible without the support of partner stakeholders such as participating airlines, airports, and industry associations. These entities have assisted TSA with marketing Risk-Based Security (RBS) programs since its inception, which includes, but is not limited to, direct outreach by airlines to frequent travelers, including dedicated web pages for TSA Pre✓™ on airline web sites, inflight magazine articles, and airport signage.

Additionally, TSA is actively working with a number of private sector entities to promote program awareness and market TSA Pre✓™ enrollment. These entities include credit card companies and major travel management firms (i.e., Sabre Travel Network, American Express Global Business Travel, and BCD Travel). TSA will continue to work with existing and new private sector partners to further market the benefits of TSA RBS efforts, as well as expand public awareness and the communication of enrollment options for travelers.

TSA has been actively coordinating with airports to establish enrollment sites, and has opened 14 on-airport enrollment sites since TSA launched its TSA Pre✓™ Application Program. Additional airports are in negotiations for potential in-airport TSA Pre✓™ Application Program enrollment options, and other airports are under initial discussions to assess the viability of establishing in-airport enrollment sites.

**Question:** We understand that TSA has been using Managed Inclusion to randomly select commercial aviation passengers who have not enrolled in Pre-Check, and are not part of any

specific low risk community, and shifted them into PreCheck lines. At the same time, we are hearing from the travel community that this practice is slowing down Pre-Check lines at airports and reducing the security benefit travelers have purchased or earned through their low risk status. Please describe the use of Managed Inclusion, and help us understand how TSA intends to use this program going forward?

**ANSWER:** Managed Inclusion (MI) Screening Operations provide Transportation Security Administration (TSA) Federal Security Directors (FSD) with real time threat assessment and randomization tools for increasing the number of passengers eligible for TSA Pre✓™ screening. MI was designed to utilize existing screening layers such as Behavior Detection Officers (BDO) and Passenger Screening Canine (PSC) teams, as well as other technologies to inject passengers into under-utilized TSA Pre✓™ lanes. In doing so, the increase in passenger flow via TSA Pre✓™ lanes reduced inefficiencies present in a lane operating at less than capacity. Within MI operations, FSDs have some flexibility in achieving the appropriate staffing mixture, as long as they meet the minimum requirements for conducting MI screening operations

Transportation Security Officers (TSOs) utilize a random generator to assist in the routing of passengers by providing one of two visual cues to both the passenger and the TSO. The TSO will then guide the passenger to the correct line based off this visual cue. The use of the random generator not only provides random selection of passengers, but also helps officers include passengers selected under MI.

**Question:** Please provide additional details of cost-saving strategies that TSA is pursuing, as part of its risk based approach to passenger screening.

**ANSWER:** The Transportation Security Administration (TSA) began implementing a series of risk-based initiatives in 2011. TSA continues to expand risk-based security (RBS) efforts by adding new programs and populations selected for expedited screening by using intelligence and risk-based information. TSA also collaborates with stakeholders to identify, implement, and expand participation in risk-based security initiatives.

As part of its risk-based approach to passenger screening, TSA is pursuing several initiatives to build upon the early successes of TSA Pre✓™. Through the use of TSA Pre✓™ lanes, which can process a larger volume of passengers more quickly, TSA is able to screen the same number of passengers within the current wait times or better, enabling the closure of some standard lanes, reducing personnel requirements. One of TSA's goals for RBS in 2015, and beyond, is to increase the known traveler population in order to improve aviation security and create staffing efficiencies at the security checkpoint that drive down passenger wait times and corresponding resource requirements. TSA intends to meet this goal by: (1) extending participation to additional air carriers; (2) identifying additional lower-risk populations for expedited screening; and, (3) promoting enrollment in TSA Pre✓™ and other Department of Homeland Security trusted traveler programs. TSA's Fiscal Year 2015 budget request identified savings in the screening workforce, Federal Air Marshal Service, and Visible Intermodal Prevention and Response teams largely from personnel savings as a result of TSA's risk based approach to operations.

TSA is currently analyzing the security implications of adding additional federal civilian employees and transportation workers vetted by TSA to the existing populations that are considered lower risk. Additional populations under consideration include Department of Defense civilians, some Department of State, and veterans with disabilities, which total approximately 800 thousand individuals. Additionally, TSA plans to extend eligibility to approximately 14 million vetted transportation workers.

Lastly, TSA is actively promoting the TSA Pre✓™ Application Program by expanding the number of enrollment sites and continues to collaborate with Customs and Border Protection on options for expanding the enrollment of people in Global Entry.

### **PreCheck**

**Question:** How many travelers are currently enrolled in PreCheck or otherwise eligible for expedited screening?

**ANSWER:** As of April 24, 2014, over 190,000 passengers have enrolled in TSA Pre✓™ via the TSA Pre✓™ Application Program. There are currently more than 7 million TSA Pre✓™ eligible passengers, including participants in Customs and Border Protection trusted traveler programs (i.e., Global Entry, NEXUS, SENTRI), Department of Defense active military service members, airline frequent flyers, and passengers eligible through the Secure Flight Risk Based Assessments. Of the current 7 million eligible TSA Pre✓™ passengers, 2.4 percent are from those that have enrolled via the TSA Pre✓™ Application Program.

Other passengers eligible for expedited screening in standard screening lanes include individuals such as those under 12 or over 75 years of age, flight crews in uniform, and Secure Identification Display Area badge holders.

As part of the TSA's RBS goals, the TSA Administrator set a target for 25 percent of daily travelers screened by TSA to receive some form of expedited physical screening by the end of Calendar Year (CY) 2013, with continued expansion toward 50 percent by the end of CY 2014. By the end of CY 2013, TSA exceeded its goal of having 25 percent of the estimated 1.8 million travelers undergo some form of expedited physical screening each day, and is currently providing expedited screening to more than 40 percent of daily passengers.

### **Behavior Detection Officers**

**Question:** In November, GAO found that available evidence did not support whether behavioral indicators, which are used in the TSA's Screening of Passengers by Observation Techniques (SPOT) program, can be used to identify persons who may pose a risk to aviation security. Further, GAO recommended that Congress consider the absence of scientifically validated evidence for using behavioral indicators to identify threats to aviation security when assessing the potential benefits and cost in making future funding decisions for aviation security. Does

TSA concur with GAO's recommendation that Congress limit future funding for these activities until it can provide such evidence? If not, what steps is TSA taking to validate the use of behavioral indicators to identify threats to aviation security?

**ANSWER:** The Transportation Security Administration (TSA) does not share the Government Accountability Office's (GAO) assessment of the effectiveness of the TSA Screening of Passengers by Observation Techniques (SPOT) program as outlined in their Report to Congressional Requesters (GAO-14-159) of November, 2013.

Behavior detection techniques have been an accepted practice for many years within law enforcement, customs and border enforcement, and security communities, both in the United States and internationally. TSA's SPOT protocol and the Behavior Detection and Analysis (BDA) program are important elements of the TSA multi-layered security approach. TSA's Behavior Detection Officers (BDO) also play a key role in carrying out TSA's risk-based screening (RBS) initiatives. RBS initiatives are intended to provide a more common sense, less-invasive screening experience for low-risk passengers.

TSA's overall security posture is composed of interrelated parts, to disrupt one piece of the multi-layered approach will have a far reaching adverse impact on other pieces, thereby negatively affecting TSA's overall mission performance.

In April 2011, the Department of Homeland Security Science and Technology Directorate completed a comprehensive study that examined the validity of using behavior indicators in order to identify high-risk passengers. The study found that the SPOT program provided a number of screening benefits and is more effective than random selection at identifying high-risk passengers. While S&T and GAO both noted some deficiencies in the methodology used as a part of the study, it was an important step in assessing the technique in an operational environment.

Since the publication of the 2011 Study, TSA has taken steps to improve the entirety of the behavior detection program and the process by which it is validated. In early 2012, TSA began another round of research aimed at further substantiating the behavioral indicators and improving the detection protocols. This effort evolved into what is now known as the Behavior Detection Optimization effort. Optimization encompasses four pillars of behavior detection: 1) Improving recruiting processes, 2) Enhancing training content to further enhance BDO skillsets, 3) Instituting greater management and quality control systems, and 4) Revising its Behavioral Indicator Reference Guide (BIRG) and designing a new referral methodology.

Integral to the optimization project is a comprehensive operational test designed to collect the data to validate behavior detection over and above what was seen during the original 2011 SPOT Validation Study. Scenario-driven testing will be used in addition to the outcome-based protocols used in the prior Study. Each of the GAO limitations discussed in their report will be mitigated to the maximum extent possible given the constraints of testing within an operational environment. Initial testing will begin in the Fall 2014, and full data collection is planned for late Winter 2015.

### Explosive Trace Detection (ETD)

**Question:** This Committee has funded the purchase and supported deployment and use of explosive trace detection (ETD) systems to screen passengers, carry-on baggage and for alarm resolution for checked baggage. Are there next generation ETD systems on the horizon that improve upon the existing performance and operational requirements of today's systems? Is TSA assessing new ETD systems that could cost less or provide overall lower cost of ownership?

**ANSWER:** Yes. TSA is conducting market research to explore next generation ETD systems that will provide greater operational capability and a reduction to the overall cost of ownership.

### Attrition

**Question:** Please provide a table, similar to that provided last year, showing TSO attrition rates for both full and part-time screeners on an annual basis for fiscal years 2013 and estimated for 2014-15. Also, please compare rates by airport categories (Cat X, I, II, III and IV).

**ANSWER:** Please see the tables below.

**Transportation Security Officer (TSO) Attrition By Work Schedule**

Work Schedule	FY13 Actual	FY14 YTD (Annualized)*	FY15 Projection**
Full-Time ONLY	8.83%	8.53%	9%
Part-Time ONLY	25.48%	22.84%	26%
<b>TOTAL</b>	<b>14.24%</b>	<b>13.46%</b>	<b>15%</b>

**TSO Attrition By Airport Category**

Airport Category	FY13 Actual	FY14 YTD (Annualized)*	FY15 Projection**
X	12.0%	11.7%	13%
I	14.7%	11.7%	15%
II	15.6%	16.3%	17%
III	18.0%	21.3%	22%
IV	24.8%	33.4%	30%
<b>TOTAL</b>	<b>14.2%</b>	<b>13.5%</b>	<b>15%</b>

\*FY 2014 YTD attrition computed through March 8, 2014

TSO attrition rates encompass all pay bands (D, E, F, G) and both voluntary & involuntary.

\*\* TSO attrition is projected to increase in FY 2015. TSA has validated that TSO attrition rate is inversely correlated to two economic indicators: Moody's Analytics and the Consumer Sentiment Index. Both of these indicators point to a steady improvement in the U.S. Economy.

### Passenger Wait Times

**Question:** Passenger wait times continue to be of concern at airport checkpoints. What is the average wait time TSA is recording for aviation passengers?

**ANSWER:** Currently, the Transportation Security Administration (TSA) wait time data collection procedures are limited to instances where wait times exceed 20 minutes. Using this wait time criteria, TSA calculated that 99.01% of the operational hours incurred wait times of less than 20 minutes during Fiscal Year 2013.

### **Law Enforcement Officer (LEO) Reimbursement**

**Question:** The LEO Reimbursement Program was established to provide partial reimbursement to airport operators in the wake of the new LEO requirements mandated by the Aviation Transportation Security Act (ATSA). While airport law enforcement officer staffing levels have remained constant, the amount TSA reimburses airports for law enforcement support has steadily declined over the last several years. State and local law enforcement agencies play a critical role in security at airports throughout the nation but it is increasingly evident that airport law enforcement officers play a key role in supporting TSA screening operations at airport security checkpoints. While airport law enforcement officer staffing levels have remained constant, the amount TSA reimburses airports for law enforcement support has steadily declined. What steps is TSA taking now, and in this budget proposal, to ensure that airports are reimbursed for the law enforcement services they already provide and will need to provide in the future?

**ANSWER:** The Fiscal Year (FY) 2015 LEO Reimbursement Program budget reflects FY 2014 funding levels. TSA is beginning the process of assessing the funding distribution methodology for airports' law enforcement support and will consider the degree that risk can be reduced as a component of that analysis. Given constrained resources, any change in the reimbursement distribution to target higher risk airports may result in less support for lower risk airports.

### **TSA Technology Development**

**Question:** As TSA works to enhance aviation security, there has to be a working relationship with industry. While TSA establishes the requirements, industry provides the technology. However, the current process is not for the weak hearted. The relationship between industry and TSA must be improved: the procurement process must be streamlined; the best technology must be deployed expeditiously; and the security benefits must justify the cost. How will TSA work more effectively with industry to streamline the procurement process and to deploy the newest and best technology in a cost-efficient manner? Will TSA consider forming a working group with aviation security stakeholders, including the airports, the airlines, and the detection equipment manufacturers, to tackle the tough investment issues TSA faces and to reconcile these issues with the overarching goals of aviation security, including developing agile screening technologies in a timely and cost-efficient manner?

**ANSWER:** TSA is enhancing private industry engagement to reduce agency and vendor resources required for the development and acquisition of security systems. TSA has initiated several efforts to improve requirements definition, enhance communication with private industry partners, and streamline the testing and evaluation processes for technology acquisition. This year, TSA started the Transportation Security Capability Analysis Process (TSCAP), which strengthens TSA's ability to measure, analyze and improve new and existing security

capabilities. TSA is also planning the release of a strategic investment guide to assist private industry partners in more effectively aligning their research and development investments with TSA technology requirements. In April 2013, TSA released a Test and Evaluation (T&E) Process Guide to private industry partners in order to provide more transparency about the T&E processes. The T&E Process Guide is available on the Federal Business Opportunities government website. TSA is also working more closely with private industry partners to ensure technologies are sufficiently mature for testing prior to entering into the formal T&E process in order to reduce total testing time.

**Question:** As technology continues to improve with better detection of the most recently developed explosives and faster throughput, airports are at the mercy of TSA and the Transportation Systems Integration Facility (TSIF). While airports are planning for the future they are able to build into their future growth the security needs that are now mandatory but they are continually hampered by TSA and their slow process in moving technology -- technology that is in currently in use internationally -- through the TSIF and tested in airports. Some of this new technology is much more efficient, which will in turn mean that fewer machines will be needed -- saving the taxpayer and TSA a great amount of money. However, TSA is not making these new technologies available quickly enough and, as a result, airports may have to install slower, older technology that will become obsolete in the near future and cost the taxpayer. As an example, airports are vocal in wanting new high-speed explosive detection systems (EDS) but TSA has indicated that they will not help fund the design of the installation of the new machines until TSA has finished their process, which could take another year or more. Can you explain the process of certifying, testing, and qualifying technologies and why the process takes so long, especially when many of these technologies are used around the world?

**ANSWER:** TSA coordinates with DHS Transportation Security Laboratory to ensure that equipment is certified per statutory requirements to meet the threat detection requirements for checked baggage. Depending on the level of maturity of the equipment and its success in detecting threat items without unacceptably high false alarm rates, this process can take significant time to achieve levels of performance that are operationally necessary.

Using the example of EDS, once the equipment achieves certification, the manufacturer submits a Qualified Data Package (QDP) explaining how the equipment meets the operational performance requirements. Upon acceptance of the QDP, the equipment enters into qualification testing at the TSA Systems Integration Facility (TSIF) to ensure it can work with TSA's screening procedures, while maintaining its performance under operational conditions. TSIF testing can take up to four months to complete depending on the success of the system in meeting requirements.

Finally, the system undergoes live operational testing in an airport. This process can take several months, including time required to integrate a system into existing airport infrastructure. In many cases, the baggage handling system must be upgraded to support the installation of the new equipment.

Once all three levels of testing have been passed, the machines are placed on the qualified products list. TSA currently has three High Speed EDS in the testing process and is working with the manufacturers to assist them in successfully completing the testing process as efficiently and effectively as possible.

This stringent qualification, testing and evaluation protocol is critical to ensure that taxpayer money is not spent on the purchase and deployment of technology that could ultimately fail in a stressful live airport environment.

### **EDS Procurement**

**Question:** The budget includes a \$7 million increase to the EDS Procurement and Installation PPA to continue software upgrades needed to reduce security vulnerabilities by enhancing detection capabilities for homemade explosives and reducing false alarm rates.

How many software upgrades have occurred to date for HMEs? How many of these are in the field? What is TSA's plan for completing the agency's goal of upgrades to 400 medium speed EDS units? What is the timeline for implementing this plan with proposed FY15 funds and earlier appropriated funding?

**ANSWER:** The quantities and deployment of software upgrades for homemade explosives (HMEs) are considered Sensitive Security Information and can be provided under separate cover, upon request.

The Transportation Security Administration has targeted 1,769 deployed Explosives Detection Systems (EDS) units for upgrade to the Reduced Threat Mass (RTM) detection standard, of which the 400 medium speed EDS units (MSEDS) are a subset. Approximately 65% of the total EDS have been upgraded as of April 2014. All funds to complete the remaining RTM upgrades have been obligated, and upgrades are expected to be completed by the first quarter of Fiscal Year (FY) 2015. The \$7 million requested in FY 2015 will support software upgrades for homemade explosives (HMEs) as well as efforts to reduce false alarm rates. An implementation plan for these HME software upgrades is considered Sensitive Security Information and can be provided under separate cover, upon request.

### **Screening Partnership Program (SPP)**

**Question:** We understand that your SPP Requests for Proposals now include a Federal Cost Estimate (FCE) which establishes a maximum price contractors can bid. Are your FCEs based on actual incurred costs at an SPP airport that are projected forward, or are they based on some type of cost estimating model?

**ANSWER:** TSA has developed and continues to refine a cost estimating model that reflects TSA's actual airport screening costs for the purposes of establishing the federal cost estimate (FCE). TSA uses actual, airport-specific wage and benefit rates for federal airports and applies



relevant direct costs and overhead to its estimates as well as applying an annual inflator to out-year estimates. Since 85-90 percent of screening operations costs are related to personnel compensation and benefits, TSA is confident the methodology is accurately capturing the most significant cost factors for federal cost estimates. For airports currently participating in the SPP, TSA uses actual costs from existing contracts. The cost estimating methodology is annually reviewed by TSA's Chief Financial Officer and updated with prior year data to ensure the most accurate data available is used.

**Question:** Does the TSA's Financial Management System allow you to account for the actual total costs incurred by TSA at specific SPP airports such as Sanford-Orlando or Sarasota? For example, do you know exactly how much you pay for Health Care at each airport?

**ANSWER:** TSA is able to account for actual costs incurred for the majority of airport specific costs. For example, all personnel compensation and benefit-related costs paid by TSA are included in the FCE from actual costs. Therefore, TSA is able to track specific benefit costs, such as employer contribution to health care. Overhead expenses are included and allocated based on the specific staffing levels at the given airport.

**Question:** TSA has recently made an award announcement for the SPP re-compete at Kansas City, the second largest SPP airport. Now, tell us, is the new contractor going to pay the incumbent screeners the same wages they were getting before? If not, how much less will they be getting paid? Do you consider this good public policy?

**ANSWER:** TSA only monitors minimum salary requirements by means of the Compensation and Other Benefits clause in the SPP contracts. Actual salaries and wages for employees supporting a SPP contract are determined, as they are with all federal contracts, by direct negotiation between the company and the employee. The Federal Government does not get involved in wages beyond ensuring that the compensation rate meets the requirements of the Aviation Transportation Security Act (PL 107-71).

**Question:** TSA is now required to do an independent study to compare SPP airports vs. TSA screening. It also requires TSA to factor in indirect costs pursuant to recent GAO recommendations. Can you give the committee the status of this report and how you plan to address this going forward?

**ANSWER:** TSA released a request for quote under the General Services Administration (GSA) on April 16, 2014 to meet Congress's deadline of having the study completed within one year of enactment of the 2014 DHS Appropriations Act. Once the final report is delivered and the GAO has a chance to review and brief Congress on the results, TSA will begin implementing recommendations that lead to program improvements.

**Question:** The Screening Partnership Program gives TSA the opportunity to work with the private sector, and create new jobs. Working closer with the private sector to reduce TSA inefficiencies can save the U.S. taxpayer money and improve relations with the general public. With that in mind, why isn't TSA doing more to expand the SPP?

**ANSWER:** Because participation in the SPP is voluntary, TSA remains neutral with respect to whether airport operators decide to submit an application to participate. Program background details and airport application instructions are available on TSA's website. Since the passage of the Federal Aviation Administration Modernization and Reform Act of 2012, TSA has approved all applications received for the program. TSA routinely seeks efficiencies in its screening operations and engages with companies that are involved in the SPP, to include providing information and making contracting adjustments to improve SPP airport efficiencies.

**Question:** TSA has not utilized the Screening Partnership Program (SPP) to the extent that Congress has directed. Consequently, TSA is not taking advantage of the innovative horsepower that exists in the private sector. We must make every effort to improve our security, reduce screening times, and improve the passenger experience, and contain costs. CBP is making strides in this regard with expansion of Global Entry and establishing robust public-private partnerships at some of our busiest ports of entry. TSA must lean forward and, as the Chairman, I am curious as to whether TSA can better utilize the SPP in the form of a public-private partnership – where, in addition to the role private screeners already play at airports that have contracted for their services, the SPP is used to supplement federal screening efforts during peak travel periods and at our Nation's busiest airports. How can we make better use of the SPP and has TSA examined a public-private partnership model – all with the goal of improving the cost effectiveness of checkpoint security?

**ANSWER:** Per the Aviation and Transportation Security Act, responsibility for passenger and property screening at federalized airports must be conducted by Transportation Security Administration (TSA) employees, unless the operator of an airport submits an application to the TSA to opt-out and have screening conducted by a qualified private screening company. TSA interprets this law as providing for either a federal screening workforce or a private screening workforce at each airport, but not both. TSA continues to seek opportunities to improve cost effectiveness of checkpoint security for all airports, including those participating in the SPP.

#### **TSA Exit Lanes**

**Question:** The Bipartisan Budget Agreement required that TSA continue providing staff to monitor exit lanes in those airports where they previously had been doing so. If an airport is remodeling to accommodate better passenger flow, or TSA security checkpoint equipment, and reconfigures an exit lane, is TSA advising that the law no longer applies to TSA and the airport will have to assume responsibility for monitoring any such exit lane?

**ANSWER:** The Bipartisan Budget Act requires the TSA to continue to meet access control responsibilities for exit lanes that it was monitoring on December 1, 2013. TSA will continue to

staff sterile area exit lanes that were in existence on December 1, 2013, where it was performing access control responsibilities on that date.

Approximately two-thirds of the nation's airports conduct exit lane access control responsibilities using airport technology solutions or personnel. The remaining exit lanes are staffed by federal Transportation Security Officers.

In cases where airport remodeling or reconfiguration of an exit lane is such that the location essentially remains the same, exit lane access control responsibilities will be staffed in the same manner it was staffed on December 1, 2013. If remodeling, reconfiguration or construction significantly changes the location of existing exit lanes, requiring additional staffing and resources, TSA is not obligated to monitor those exit lanes.

### **Hiring**

**Question:** Please list the number, by office and pay grade level, of all TSA employees hired non-competitively in fiscal year 2013, with an explanation why this approach was required or more advantageous to the government.

**ANSWER:** During Fiscal Year 2013, TSA hired 159 employees as outlined in TSA policies, which contain the authorities for non-competitive appointments. This included 51 non-competitive temporary appointments; 37 appointments under TSA's Direct Hire Authority; 55 appointments by reinstatement of former Federal employees; and 16 appointments of current Federal employees by non-competitive transfers, including 1 Transportation Security Executive Service (TSES).

Of the 159 hires reflected in the table below, TSA hired 51 employees based on the urgent or temporary need to fill a position, including substitutes for permanent employees on extended leave, military leave, or a long-term temporary assignment. The use of this authority expedites temporary hiring needs. A non-competitive temporary appointment does not provide an employee with eligibility for conversion to a permanent appointment.

Similar to some other Federal agencies, TSA has direct hire authority for certain positions documented as hard-to-fill and/or a critical need, such as cyber security and acquisition positions. The Direct Hire Authority allows the agency to fill such positions in a timely manner. As reflected in the table below, direct hire authority accounted for 37 hires into the Information Technology (IT) and Acquisitions positions.

Former Federal employees are eligible for non-competitive appointment to TSA positions by reinstatement, and current permanent Federal employees are eligible for appointment to TSA positions by transfer under and subject to the conditions of the DHS /TSA Interchange Agreement with the Office of Personnel Management. The use of these non-competitive appointing authorities provides for expedited hiring of former or current Federal employees with training and/or experience specific to the Federal government. Of the 159 hires reflected in the

table below, 55 were hired by reinstatement, and 16 were hired by non-competitive transfers of current Federal employees.

Program Office	Pay Band											Grand Total
	01	B	C	D	E	F	G	H	I	J	K	
ACQUISITION								2	1	1		4
ASSISTANT SECRETARY	1											1
CHIEF COUNSEL				1			2	1	1	2	3	10
FINANCE & ADMINISTRATION / CFO							1					1
INFORMATION TECHNOLOGY								1	2	11		14
INTELLIGENCE AND ANALYSIS		1					1	6	5	4	1	18
LAW ENFORCEMENT							5	1		1		7
LEGISLATIVE AFFAIRS								1				1
OFFICE OF HUMAN CAPITAL				1					1	2		4
SEC POLCY AND INDUSTRY ENGMNT						1	1					2
SECURITY CAPABILITIES								1				1
SECURITY OPERATIONS				46	43	2	2	1	1			95
TRAINING & WORKFORCE ENGAGEMNT								1				1
<b>Grand Total</b>	<b>1</b>	<b>1</b>		<b>48</b>	<b>43</b>	<b>3</b>	<b>12</b>	<b>15</b>	<b>11</b>	<b>21</b>	<b>4</b>	<b>159</b>

**Question 21:** Please provide for the record, the number of noncompetitive contracts TSA entered into in fiscal years 2011 and 2012, if feasible, that it anticipates it will enter into in 2013 and 2014, and indicate why TSA chose a non-competitive contract. Please delineate other transactional agreements and purchases made from the GSA approved listings.

**ANSWER:** The below table provides the requested information on TSA non-competitive contracts from 2011 through 2014 (as of March 31, 2014). The GSA purchases and other transaction agreements (OTAs) are delineated separately, with a total provided.

Year	Non-competitive (less GSA and OTA)	GSA	OTA	Total
2011	256	18	50	324
2012	390	12	45	447
2013	448	33	172	653
2014*	118	16	16	150

\*As of 3/31/14

The acquisition procedures identified under specific parts of the Federal Acquisition Regulation (FAR) provide distinctive standards for competition that relate directly to the specific method of procurement. There are circumstances that justify exceptions to specified competitive standards and accordingly, formal procedures exist to document those circumstances and obtain approval to contract without providing full and open competition. Non-competitive actions were awarded as appropriate for the following reasons: 1) only source capable of providing the supply or

service to meet the Government requirements, 2) expressly authorized or required by statute (i.e. direct award under the 8(a) Small Business program), or 3) the work is a logical follow-on to an original action in the interest of economy and efficiency, provided the original order was competed.

OTAs are used almost exclusively with airport authorities, local municipalities, police departments, and no-cost business arrangements.

TSA exceeded the DHS's established competition goal for Fiscal Year 2013.

**Question:** Please update the table provided last year showing standard personnel cost for hiring new screeners, transportation security specialists, behavior detection officers, and travel document checkers, by program, project and activity for fiscal year 2014.

**ANSWER:** The Standardized Personnel Costs for Transportation Security Officers (TSO) and Travel Document Checkers for Fiscal Year 2014, listed by description and Program, Project, and Activity, are as follows. Note that Behavior Detection Officers are hired from within the TSO ranks, so their recruitment costs are significantly reduced:

**Transportation Security Officers and Travel Document Checkers**

Description	Screener PC&B	Screener Training and Other	Airport Mgmt	Human Capital	HQ Admin	IT Support	Grand Total
Personnel Comp. and Benefits	52,900		400				<b>\$53,300</b>
GSA Rent			1,300				<b>1,300</b>
Background Investigations / Health & Safety					1,700		<b>1,700</b>
Recruitment Costs / Drug Test				7,600			<b>7,600</b>
Payroll Services						200	<b>200</b>
Training		7,000					<b>7,000</b>
Consumables/ Supplies/ Uniforms		800					<b>800</b>
Equipment/ Computer Network						400	<b>400</b>
<b>Total Operating Expenses</b>	-	7,800	1,300	7,600	1,700	600	<b>19,000</b>
<b>Grand Total</b>	<b>\$52,900</b>	<b>\$7,800</b>	<b>\$1,700</b>	<b>\$7,600</b>	<b>\$1,700</b>	<b>\$600</b>	<b>\$72,300</b>

**Behavior Detection Officers**

Description	Screener PC&B	Screener Training and Other	Airport Mgmt	Human Capital	HQ Admin	IT Support	Grand Total
Personnel Comp. and Benefits	78,700		400				<b>\$79,100</b>
GSA Rent			1,300				<b>1,300</b>
Background Investigations / Health & Safety					1,700		<b>1,700</b>
Recruitment Costs / Drug Test				100			<b>100</b>
Payroll Services						200	<b>200</b>
Training		7,000					<b>7,000</b>
Consumables/ Supplies/ Uniforms		600					<b>600</b>
Equipment/ Computer Network						400	<b>400</b>
<b>Total Operating Expenses</b>	-	7,600	1,300	100	1,700	600	<b>11,300</b>
<b>Grand Total</b>	<b>\$78,700</b>	<b>\$7,600</b>	<b>\$1,700</b>	<b>\$100</b>	<b>\$1,700</b>	<b>\$600</b>	<b>\$90,400</b>

**Transportation Security Specialists – Explosives (TSS-E)**

Description	Screener PC&B*	Screener Training and Other	Airport Mgmt	Human Capital	HQ Admin	IT Support	Grand Total
Personnel Comp. and Benefits	0		106,300				<b>\$106,300</b>
GSA Rent			1,300				<b>1,300</b>
Travel			3,000				<b>3,000</b>
Background Investigations / Health & Safety					4,300		<b>4,300</b>
Recruitment Costs / Drug Test				7,600			<b>7,600</b>
Payroll Services						200	<b>200</b>
Training		15,600					<b>15,600</b>
Consumables/ Supplies/ Uniforms		700					<b>700</b>
Equipment/ Computer Network						5000	<b>5,000</b>
<b>Total Operating Expenses</b>	-	16,300	4,300	7,600	4,300	5200	<b>37,700</b>
<b>Grand Total</b>	<b>\$0</b>	<b>\$16,300</b>	<b>\$110,600</b>	<b>\$7,600</b>	<b>\$4,300</b>	<b>\$5,200</b>	<b>\$144,000</b>

\*In Fiscal Year 2012, The TSS-Es were realigned to the Airport Management PPA

**Bonuses**

**Question:** Please provide a table showing how your fiscal year 2013 estimate and 2014 budget for bonuses for TSA political employees (if applicable), TSA SES employees, and TSA non-SES employees.

**ANSWER:** The total bonus amount for Fiscal Year (FY) 2013 Transportation Security Administration (TSA) Transportation Senior Executive Service (TSES) was \$1,134,427, and the total bonus amount for FY 2013 TSA non-TSES, including Transportation Security Officers, was \$70,878,918. Political appointees did not receive bonuses in FY 2013 per Presidential directive. TSA does not have the estimate for bonuses for FY 2014 because TSA does not predetermine the budget for bonuses. Bonuses are provided to employees based on their performance and the availability of funds.

	<b>FY 2013 Bonus Amount</b>
TSES	\$1,134,427
Non-TSES	\$70,878,918

**Question:** Please list all TSA SES bonuses provided in 2013 by position, office, and bonus amount.

**ANSWER:** Please see the table that follows.

<b>Position Official Title</b>	<b>Transportation Security Administration (TSA) Office</b>	<b>2013 Performance Bonus Amount</b>
ASSISTANT ADMINISTRATOR, OFFICE OF ACQUISITION	ACQUISITION	\$17,040
DEPUTY ASSISTANT SECRETARY	ASSISTANT SECRETARY	\$22,579
EXECUTIVE ADVISOR	ASSISTANT SECRETARY	\$15,540
SENIOR ADVISOR	ASSISTANT SECRETARY	\$5,000
SENIOR COUNSELOR (POLICY)	ASSISTANT SECRETARY	\$8,700
CHIEF COUNSEL	CHIEF COUNSEL	\$11,321
DEPUTY CHIEF COUNSEL FOR GENERAL LAW	CHIEF COUNSEL	\$9,988
DEPUTY CHIEF COUNSEL (LEGISLATION & AUTHORITIES)	CHIEF COUNSEL	\$9,844
DEPUTY CHIEF COUNSEL (ENFORCEMENT)	CHIEF COUNSEL	\$9,156
DEPUTY CHIEF COUNSEL (OPERATIONS)	CHIEF COUNSEL	\$11,000
DEPUTY CHIEF COUNSEL FOR PROCUREMENT	CHIEF COUNSEL	\$8,628
DEPUTY CHIEF COUNSEL FOR REGULATION	CHIEF COUNSEL	\$8,600
DEPUTY CHIEF COUNSEL FOR LITIGATION	CHIEF COUNSEL	\$8,678
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF CIVIL RIGHTS & LIBERTIES, OMBUDSMAN AND TRAVELER ENGAGEMENT	CIVIL RIGHTS & LIBERTIES, OMBUDSMAN AND TRAVELER ENGAGEMENT	\$12,750
SPECIAL COUNSELOR	CIVIL RIGHTS & LIBERTIES, OMBUDSMAN AND TRAVELER ENGAGEMENT	\$15,408
ASSISTANT ADMINISTRATOR/CHIEF FINANCIAL OFFICER, OFFICE OF FINANCE & ADMINISTRATION	FINANCE & ADMINISTRATION	\$22,560



<b>Position Official Title</b>	<b>Transportation Security Administration (TSA) Office</b>	<b>2013 Performance Bonus Amount</b>
DEPUTY ASSISTANT ADMINISTRATOR / CHIEF ADMINISTRATIVE OFFICER, OFFICE OF FINANCE & ADMINISTRATION	FINANCE & ADMINISTRATION	\$7,550
DIRECTOR OF FINANCIAL MANAGEMENT	FINANCE & ADMINISTRATION	\$9,964
ASSISTANT ADMINISTRATOR, OFFICE OF GLOBAL STRATEGIES	GLOBAL STRATEGIES	\$8,750
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF GLOBAL STRATEGIES	GLOBAL STRATEGIES	\$8,628
REGIONAL DIRECTOR/DIPLOMATIC LIAISON	GLOBAL STRATEGIES	\$8,150
REGIONAL DIRECTOR/DIPLOMATIC LIAISON	GLOBAL STRATEGIES	\$8,960
ASSISTANT ADMINISTRATOR/CHIEF INFORMATION OFFICER, OFFICE OF INFORMATION TECHNOLOGY	INFORMATION TECHNOLOGY	\$17,320
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF INFORMATION TECHNOLOGY	INFORMATION TECHNOLOGY	\$6,000
ASSISTANT ADMINISTRATOR, OFFICE OF INSPECTION	INSPECTION	\$19,960
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF INSPECTION	INSPECTION	\$5,000
ASSISTANT ADMINISTRATOR , OFFICE OF INTELLIGENCE AND ANALYSIS	INTELLIGENCE AND ANALYSIS	\$8,700
DEPUTY ASSISTANT ADMINISTRATOR , OFFICE OF INTELLIGENCE AND ANALYSIS	INTELLIGENCE AND ANALYSIS	\$5,000
ASSISTANT ADMINISTRATOR, OFFICE OF LAW ENFORCEMENT/FEDERAL AIR MARSHAL SERVICE	LAW ENFORCEMENT	\$22,509
ASSISTANT DIRECTOR	LAW ENFORCEMENT	\$16,860
ASSISTANT DIRECTOR	LAW ENFORCEMENT	\$16,984
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF LAW ENFORCEMENT/FEDERAL AIR MARSHAL SERVICE	LAW ENFORCEMENT	\$17,180
DIRECTOR	LAW ENFORCEMENT	\$5,000

<b>Position Official Title</b>	<b>Transportation Security Administration (TSA) Office</b>	<b>2013 Performance Bonus Amount</b>
SUPERVISORY FEDERAL AIR MARSHAL	LAW ENFORCEMENT	\$5,000
SUPERVISORY FEDERAL AIR MARSHAL (FIELD)	LAW ENFORCEMENT	\$12,610
SUPERVISORY FEDERAL AIR MARSHAL (FIELD)	LAW ENFORCEMENT	\$2,500
SUPERVISORY FEDERAL AIR MARSHAL (FIELD)	LAW ENFORCEMENT	\$5,000
SUPERVISORY FEDERAL AIR MARSHAL (FIELD)	LAW ENFORCEMENT	\$15,340
SUPERVISORY FEDERAL AIR MARSHAL (FIELD)	LAW ENFORCEMENT	\$14,620
SUPERVISORY FEDERAL AIR MARSHAL/REGIONAL	LAW ENFORCEMENT	\$5,000
SUPERVISORY FEDERAL AIR MARSHAL/REGIONAL	LAW ENFORCEMENT	\$5,000
ASSISTANT ADMINISTRATOR, OFFICE OF HUMAN CAPITAL	OFFICE OF HUMAN CAPITAL	\$22,530
EXECUTIVE DIRECTOR, LABOR & EXECUTIVE PROGRAMS	OFFICE OF HUMAN CAPITAL	\$10,000
ASSISTANT ADMINISTRATOR, OFFICE OF RISK BASED SECURITY	OFFICE OF RISK BASED SECURITY	\$8,800
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF RISK BASED SECURITY	OFFICE OF RISK BASED SECURITY	\$8,415
ASSISTANT ADMINISTRATOR, OFFICE OF PROFESSIONAL RESPONSIBILITIES	PROFESSIONAL RESPONSIBILITY	\$19,260
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PROFESSIONAL RESPONSIBILITIES	PROFESSIONAL RESPONSIBILITY	\$8,505
ASSISTANT ADMINISTRATOR, OFFICE OF SECURITY POLICY AND INDUSTRY ENGAGEMENT	SECURITY POLICY AND INDUSTRY ENGAGEMENT	\$8,983
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF SECURITY POLICY AND INDUSTRY ENGAGEMENT	SECURITY POLICY AND INDUSTRY ENGAGEMENT	\$12,618
ASSISTANT ADMINISTRATOR/CHIEF TECHNOLOGY OFFICER, OFFICE OF SECURITY CAPABILITIES	SECURITY CAPABILITIES	\$22,040
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF	SECURITY CAPABILITIES	\$12,918

<b>Position Official Title</b>	<b>Transportation Security Administration (TSA) Office</b>	<b>2013 Performance Bonus Amount</b>
SECURITY CAPABILITIES		
ASSISTANT ADMINISTRATOR, OFFICE OF SECURITY OPERATIONS	SECURITY OPERATIONS	\$42,565
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$5,000
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$7,500
DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF SECURITY OPERATIONS	SECURITY OPERATIONS	\$19,855
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$7,436
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$5,000
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$7,500
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$7,150
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$7,552
DEPUTY FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$8,265
DIRECTOR, FIELD OPERATIONS DIVISION	SECURITY OPERATIONS	\$16,638
DIRECTOR, OPERATIONS PERFORMANCE DIVISION	SECURITY OPERATIONS	\$5,000
DIRECTOR, COMPLIANCE PROGRAMS	SECURITY OPERATIONS	\$7,750
DIRECTOR, THREAT ASSESSMENT DIVISION	SECURITY OPERATIONS	\$5,000
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$8,097
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$8,613
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$16,253
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$8,628
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$7,983
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$13,689
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$12,549
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$11,480
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS	\$11,020

Position Official Title	Transportation Security Administration (TSA) Office	2013 Performance	
		Bonus	Amount
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS		\$16,226
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS		\$13,899
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS		\$5,000
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS		\$18,000
FEDERAL SECURITY DIRECTOR	SECURITY OPERATIONS		\$5,000

**Question:** Please list by office and pay grade level the number of non-SES employees who received a bonus or quality step increase (qsi) in 2012 and 2013, the total bonus/qsi expenditures for the particular office and pay grade, and the total number of employees in the office and pay grade.

**ANSWER:** The following tables represent the award expenditures for the Transportation Security Administration's non-Senior Executive Service (SES) employees in Fiscal Year (FY) 2012 and FY 2013.

#### FISCAL YEAR 2012

Office	Pay Band	Number Of Awards	Award Recipients	Total Cash Awards	Total Employees By Band	Total Non SES Employees By Office
Acquisition	D	1	1	\$508	1	161
	E	4	2	\$1,628	3	161
	F	10	7	\$4,799	9	161
	G	13	10	\$8,053	6	161
	H	41	29	\$25,384	34	161
	I	53	38	\$43,522	41	161
	J	36	25	\$37,460	40	161
Administrator	K	27	21	\$43,561	27	161
	E	0	0	0	1	38
	G	1	1	\$2,000	9	38
	H	3	3	\$4,500	4	38
	I	4	4	\$4,500	6	38
	J	2	2	\$3,300	10	38
	K	2	2	\$3,000	8	38
Chief Counsel	D	1	1	\$500	1	203
	F	1	1	\$500	1	203
	G	5	5	\$2,850	10	203
	H	5	5	\$3,700	9	203
	I	9	9	\$5,550	10	203
	J	32	30	\$26,650	33	203
	K	105	102	\$108,338	106	203
	L	32	30	\$67,700	33	203

Office	Pay Band	Number Of Awards	Award Recipients	Total Cash Awards	Total Employees By Band	Total Non SES Employees By Office
Civil Liberties, Ombud, & Trv Eng	E	2	2	\$1,250	2	90
	F	7	6	\$5,819	7	90
	G	19	14	\$25,653	11	90
	H	8	8	\$7,667	15	90
	I	22	16	\$20,665	20	90
	J	30	20	\$33,575	23	90
	K	11	9	\$19,300	10	90
	L	2	2	\$8,000	2	90
Finance & Administration	D	4	4	\$2,150	4	255
	E	2	2	\$1,648	2	255
	F	18	16	\$13,916	17	255
	G	23	20	\$18,142	30	255
	H	35	28	\$33,319	37	255
	I	51	48	\$54,486	66	255
	J	67	58	\$95,34	71	255
	K	15	15	\$26,166	27	255
	L	1	1	\$2,500	1	255
Global Strategies	F	0	0	0	3	253
	G	7	4	\$6,592	6	253
	H	32	16	\$28,541	22	253
	I	68	49	\$56,651	104	253
	J	69	40	\$61,340	60	253
	K	38	29	\$62,010	56	253
	L	2	2	\$9,000	2	253
Human Capital	E	0	0	0	1	173
	F	3	3	\$1,474	5	173
	G	17	10	\$8,543	10	173
	H	16	11	\$9,719	10	173
	I	36	28	\$24,095	31	173
	J	89	74	\$85,171	76	173
	K	55	41	\$77,369	36	173
	L	3	3	\$14,000	4	173
Inspections	C	0	0	0	2	186
	D	1	1	\$312	1	186
	E	2	2	\$971	1	186
	F	1	1	\$1,250	0	186
	G	3	3	\$2,280	7	186
	H	4	4	\$4,750	6	186
	I	13	12	\$13,100	9	186
	J	120	93	\$122,648	140	186
	K	33	30	\$89,347	19	186
	L	0	0	0	1	186

Office	Pay Band	Number Of Awards	Award Recipients	Total Cash Awards	Total Employees By Band	Total Non SES Employees By Office
Intelligence and Analysis	B	1	1	\$500	4	576
	F	15	3	\$7,812	51	576
	G	21	13	\$12,083	62	576
	H	38	29	\$30,208	97	576
	I	65	48	\$56,542	124	576
	J	83	56	\$68,566	165	576
	K	42	29	\$53,300	66	576
	L	2	2	\$10,000	7	576
Legislative Affairs	D	2	1	\$6,500	1	10
	F	0	0	0	1	10
	G	3	2	\$8,000	2	10
	H	2	2	\$4,500	2	10
	I	1	1	\$1,000	0	10
	J	3	3	\$9,500	3	10
	K	0	0	0	1	10
	L	0	0	0	0	10
Office of Information Technology	F	3	3	\$4,500	4	224
	G	1	1	\$2,000	3	224
	H	11	10	\$15,121	22	224
	I	21	19	\$24,063	37	224
	J	77	68	\$115,467	98	224
	K	47	46	\$109,510	52	224
	L	3	3	\$4,371	8	224
	M	0	0	0	0	224
Professional Responsibility	E	1	1	\$1,000	1	17
	F	3	3	\$2,000	3	17
	H	1	1	\$1,000	2	17
	I	3	3	\$2,000	3	17
	J	4	4	\$3,450	5	17
	K	3	3	\$3,000	3	17
	L	0	0	0	0	17
Risk Based Security	L	1	1	\$6,650	1	1
Sec. Policy and Industry Engagement	F	5	4	\$4,721	6	248
	G	19	13	\$21,111	15	248
	H	18	17	\$17,092	25	248
	I	39	33	\$39,014	32	248
	J	87	77	\$87,696	109	248
	K	62	51	\$100,440	61	248
	L	0	0	0	1	206
Security Capabilities	B	0	0	0	1	206
	F	4	3	\$3,220	3	206
	G	13	5	\$10,104	10	206
	H	22	15	\$16,807	16	206
	I	28	18	\$23,342	29	206
	J	112	79	\$108,387	102	206
	K	34	26	\$35,011	39	206
	L	3	3	\$8,500	6	206

Office	Pay Band	Number Of Awards	Award Recipients	Total Cash Awards	Total Employees By Band	Total Non SES Employees By Office
Security Operations	B	0	0	0	1	57,042
	C	0	0	0	12	57,042
	D	8,701	5,367	\$6,088,731	11,478	57,042
	E	48,030	22,702	\$42,530,670	25,210	57,042
	F	19,255	8,539	\$15,871,922	9,330	57,042
	G	13,337	5,800	\$10,983,407	6,126	57,042
	H	3,240	2,213	\$1,737,072	2,507	57,042
	I	1,971	1,392	\$1,158,018	1,450	57,042
	J	701	569	\$523,082	622	57,042
	K	325	283	\$325,770	303	57,042
Strategic Comm. & Public Affairs	L	3	3	\$8,500	3	57,042
	F	2	1	\$2,850	2	39
	G	3	2	\$3,442	1	39
	H	5	5	\$4,200	6	39
	I	6	5	\$6,647	5	39
	J	21	20	\$18,026	20	39
Training and Workforce Engagement	K	3	3	\$4,588	5	39
	C	0	0	0	5	147
	D	0	0	0	1	147
	F	2	1	\$2,000	4	147
	G	4	4	\$5,200	8	147
	H	8	7	\$9,750	32	147
	I	4	4	\$6,500	34	147
	J	4	3	\$6,000	43	147
	K	1	1	\$4,000	16	147
	L	0	0	0	4	147

## FISCAL YEAR 2013

Office	Pay Band	Number Of Awards	Award Recipients	Total Cash Awards	Total Employee By Band	Total Non SES Employee By Office
Acquisition	E	1	1	\$485	2	173
	F	2	2	\$1,296	5	173
	G	1	1	\$605	7	173
	H	12	12	\$10,290	34	173
	I	24	23	\$26,688	52	173
	J	28	27	\$34,664	44	173
	K	17	17	\$32,252	26	173
	L	0	0	0	3	173
Administrator	E	1	1	\$2,000	1	42
	F	0	0	0	1	42
	G	9	9	\$12,000	9	42
	H	2	2	\$2,000	8	42
	I	1	1	\$1,750	4	42
	J	5	5	\$8,000	11	42
	K	5	5	\$7,000	8	42
Chief Counsel	D	1	1	\$500	7	215
	F	1	1	\$800	2	215
	G	6	6	\$3,850	9	215
	H	9	9	\$6,300	11	215
	I	10	10	\$7,250	11	215
	J	33	33	\$27,250	32	215
	K	103	102	\$117,950	111	215
	L	29	29	\$69,000	32	215
Civil Liberties, Ombud, & Trv Eng	D	0	0	0	1	96
	E	3	2	\$1,964	2	96
	F	9	6	\$8,512	9	96
	G	10	7	\$6,996	8	96
	H	25	15	\$19,306	23	96
	I	22	15	\$20,727	20	96
	J	19	16	\$21,632	19	96
	K	6	5	\$8,380	13	96
Finance & Administration	L	1	1	\$3,000	1	96
	D	2	2	\$1,126	4	255
	E	2	2	\$1,851	3	255
	F	7	7	\$10,735	8	255
	G	13	13	\$12,743	33	255
	H	15	15	\$17,075	40	255
	I	19	18	\$16,073	72	255
	J	34	33	\$49,600	66	255
	K	8	8	\$18,112	28	255
	L	1	1	\$1,000	1	255



Office	Pay Band	Number Of Awards	Award Recipients	Total Cash Awards	Total Employee By Band	Total Non SES Employee By Office
Global Strategies	F	3	3	\$1,205	6	256
	G	7	5	\$6,414	5	256
	H	18	16	\$15,124	26	256
	I	103	97	\$81,104	113	256
	J	56	54	\$62,250	59	256
	K	49	41	\$59,538	46	256
	L	3	3	\$10,025	1	256
Human Capital	D	0	0	0	2	187
	E	1	1	\$700	1	187
	F	6	4	\$7,639	8	187
	G	9	9	\$7,050	11	187
	H	10	10	\$7,650	15	187
	I	26	24	\$20,433	36	187
	J	64	62	\$64,503	79	187
	K	33	33	\$46,100	32	187
Inspections	L	5	4	\$21,800	3	187
	C	0	0	0	2	181
	D	1	1	\$2,035	1	181
	E	1	1	\$1,200	1	181
	G	2	2	\$1,500	6	181
	H	4	4	\$5,200	8	181
	I	5	5	\$4,883	8	181
	J	91	89	\$119,313	137	181
Intelligence and Analysis	K	18	18	\$55,070	19	181
	L	0	0	0	1	181
	B	0	0	0	1	670
	D	0	0	0	1	670
	F	41	39	\$20,500	56	670
	G	33	30	\$22,265	79	670
	H	59	53	\$57,294	106	670
	I	89	80	\$97,274	158	670
Legislative Affairs	J	100	94	\$120,542	195	670
	K	37	36	\$63,583	69	670
	F	1	1	\$5,000	1	10
	G	3	3	\$15,000	1	10
	H	3	3	\$10,000	4	10
	I	0	0	0	1	10
Office of Information Technology	J	2	2	\$10,000	2	10
	K	1	1	\$5,000	1	10
	F	5	4	\$4,750	4	276
	G	3	2	\$1,500	8	276
	H	20	16	\$13,423	26	276
	I	36	34	\$28,964	59	276
	J	76	73	\$91,550	123	276
	K	48	45	\$94,768	51	276
	L	5	5	\$26,450	5	276

Office	Pay Band	Number Of Awards	Award Recipients	Total Cash Awards	Total Employee By Band	Total Non SES Employee By Office
Professional Responsibility	E	1	1	\$1,000	1	21
	F	2	2	\$1,500	2	21
	G	0	0	0	1	21
	H	3	3	\$3,000	2	21
	I	3	3	\$2,000	8	21
	J	5	5	\$4,250	5	21
	K	3	3	\$3,000	2	21
Risk Based Security	L	1	1	\$6,650	1	1
Sec. Policy and Industry Engagement	F	2	2	\$1,700	3	220
	G	6	6	\$5,150	10	220
	H	18	18	\$16,025	30	220
	I	27	27	\$28,220	33	220
	J	49	48	\$61,140	117	220
	K	37	37	\$60,965	26	220
	L	1	1	\$1,000	1	220
Security Capabilities	C	1	1	\$1,200	1	194
	F	0	0	0	1	194
	H	16	15	\$15,107	21	194
	I	22	18	\$23,368	28	194
	J	89	72	\$87,896	103	194
	K	35	27	\$42,358	32	194
	L	3	3	\$10,500	5	194
Security Operations	B	0	0	0	1	55,620
	C	0	0	0	10	55,620
	D	6,045	4,249	\$7,496,006	8,903	55,620
	E	30,738	19,797	\$38,095,491	26,401	55,620
	F	10,695	6,888	\$13,086,726	8,993	55,620
	G	7,140	4,452	\$8,415,724	6,212	55,620
	H	948	914	\$694,075	2,671	55,620
	I	533	526	\$390,993	1,477	55,620
	J	175	175	\$148,877	648	55,620
	K	64	62	\$65,794	300	55,620
	L	0	0	0	4	55,620
Strategic Comm. & Public Affairs	F	2	1	\$1,000	1	38
	G	0	0	0	2	38
	H	5	5	\$3,250	4	38
	I	6	6	\$5,925	6	38
	J	21	19	\$23,950	21	38
	K	4	4	\$10,025	4	38
Training and Workforce Engagement	C	0	0	0	1	184
	D	1	1	\$500	1	184
	E	0	0	0	5	184
	F	4	4	\$2,950	4	184
	G	6	4	\$5,000	28	184
	H	19	17	\$15,654	33	184
	I	26	21	\$33,318	48	184
	J	29	25	\$51,380	43	184
	K	10	9	\$21,265	17	184

	L	2	2	\$5,000	4	184
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**Aviation Regulation and Other Enforcement**

**Question:** Please provide the number of inspectors on-board under aviation regulation and other enforcement for fiscal year 2013 and planned for in fiscal years 2014 and 2015.

**ANSWER:** The following table provides the Transportation Security Administration domestic and international inspectors on-board under Aviation Regulation and Other Enforcement Program Project Activity (PPA) for Fiscal Year (FY) 2013, and the planned number of positions under this PPA for FY 2014 and FY 2015. The adjustments in this PPA from FY 2014 to FY 2015 reflects a realignment of 93 domestic inspector positions between other PPAs to facilitate program management of Visible Intermodal Prevention and Response (VIPR) teams and Canine teams; and a realignment of 14 international air cargo inspectors to Air Cargo. The total number of inspectors (i.e., over 1,940) across PPAs remains nearly the same as FY 2014 with a slight reduction in FY 2015.

	<b>FY 2013 On-Board End of Year</b>	<b>FY 2014 Planned</b>	<b>FY 2015 Planned</b>
Domestic Inspectors	816	889	982
International Inspectors	72	77	63
<b>TOTAL</b>	<b>888</b>	<b>966</b>	<b>1,045</b>

**Federal Flight Deck Officer Program**

**Question:** Please provide a table in the format provided last year that breaks out new and recurring training for fiscal year 2013 and estimated for fiscal years 2014-2015 budget request for federal flight deck officers training. Please also list the numbers of volunteers trained for each year.

**ANSWER:** The table is on the following page.

**Federal Flight Deck Officers (FFDO) Program New and Recurring Training**

	<b>FY 2013</b> (\$ in thousands)		<b>FY 2014</b> (\$ in thousands)		<b>FY 2015</b> (\$ in thousands)	
<b>Activity</b>	<b>Actual*</b>	<b>Number Trained</b>	<b>Planning Levels</b>	<b>Number of Planned Training Sessions</b>	<b>Requested Budget</b>	<b>Number of Planned Trained Sessions</b>
Payroll	\$4,413		\$5,287		\$4,725	
Operating Expense	\$2,369		\$6,128		\$2,204	
Initial Training	\$214 <sup>1</sup>	<b>450</b>	\$757 <sup>1</sup>	<b>500</b>	\$1,000 <sup>1</sup>	<b>500</b>
Recurrent Training	\$9,932	Bi-Annual Firearms Qualification: <b>14,615</b> Recurrent Training: <b>1,331</b>	\$10,000	Bi-Annual Firearms Qualification: <b>16,000</b> Recurrent Training: <b>3,237</b>	\$10,000	Bi-Annual Firearms Qualification: <b>*13,000</b> Recurrent Training <b>*4,320</b>

*Federal Law Enforcement Training Center (FLETC) Initial Training costs only.*

\*The above breakout includes only the training costs associated with the FFDO program and does not include crew member self-defense, rent, acquisition or other administration costs paid from the FFDO PPA.

**Canine Units**

**Question:** Please submit a table showing where TSA is using canine detection units (including description of number of VIPR operations that included canine detection operations) and describing numbers and locations in fiscal year 2013 and planned for fiscal years 2014-15.

**ANSWER:** The tables follow.

<b>Type</b>	<b>Function</b>	<b>FY 13</b>		<b>FY 2014</b>		<b>FY 2015</b>	
		<b>Teams</b>	<b>Locations</b>	<b>Teams</b>	<b>Locations</b>	<b>Teams</b>	<b>Locations</b>
State and Local Law Enforcement Teams (Legacy)	Aviation & Air Cargo	491	74	511	79	0	0
	Multi-Modal	27	8	27	8	675	106
	Surface	117	15	137	19	0	0
<b>Total State and Local Law Enforcement Teams</b>		<b>635</b>	<b>97</b>	<b>675</b>	<b>106</b>	<b>675</b>	<b>106</b>
Federal Teams (Proprietary)	Multi-Modal	46	11	46	13	166	28
	Passenger Screening	120	25	144	36	144	36
	Air Cargo	120	15	120	15	0	0
<b>Total Federal Teams</b>		<b>286</b>	<b>51</b>	<b>310</b>	<b>64</b>	<b>310</b>	<b>64</b>
<b>Total All Explosives Detection Canine Teams</b>		<b>921</b>	<b>148</b>	<b>985</b>	<b>170</b>	<b>985</b>	<b>170</b>

FY13			FY14			FY15		
Total VIPR Operations	VIPR w/ K9	% of VIPR with K9	Total VIPR Operations	VIPR w/ K9	% of VIPR with K9	Total VIPR Operations	VIPR w/ K9	% of VIPR with K9
15,260	3,234	21.2	8,325*	1,359*	16.3*	13,700**	2,233*	16.3**
				2,9238			*	
			17,930**	**	16.3**			

\* Actuals as of Fiscal Year (FY) 2014 Quarter 1 and Quarter 2 (TSA is projecting that this deployment rate will continue through the end of FY 2014).

\*\* Forecasted projections based on the current operational tempo of VIPR operations with K9 augmentation. In response to the shooting at Los Angeles International Airport in November 2013, the proportion of operations conducted in aviation locations increased to approximately 50 percent of all operations. Actual operational tempo in FY 2014 and FY 2015 is subject to adjustment based on intelligence or special requirements. FY 2015 operations are expected to reduce as a result of the elimination of four VIPR teams; however, VIPR anticipates that the percentage of K9 coverage will likely remain constant because the area of responsibility of those four teams will be maintained by the remaining 33 field offices. FY 2013 operational locations are considered Sensitive Security Information and can be provided under separate cover upon request. FY 2014 and FY 2015 locations cannot be forecasted this far in advance as operations are usually scheduled two weeks prior.

### Reception and Representation

**Question:** Please list TSA expenditures for reception and representation purposes in fiscal year 2013, fiscal year 2014 to date; planned for the remainder of fiscal year 2014; and the total level of expenses anticipated in fiscal year 2015.

**ANSWER:** In Fiscal Year (FY) 2013, the Transportation Security Administration (TSA) spent \$4,941 for reception and representation purposes. As of the First Quarter of FY 2014, TSA spent \$2,774, and expects to obligate the balance of available funds, of \$12,526, to host foreign dignitaries, senior officials and international industry representatives. For FY 2015, TSA expects to spend the requested \$7,650 to host foreign dignitaries and international industry representatives. See the following tables.

Expense Name	Date	Purpose	Expenditure
<b>Expenditures from 10/1/2012 through 9/30/2013</b>			
Host Civil Aviation Authority of Vietnam	October 18, 2012	Meals and Refreshments	\$193
Host Executive Director for Australia's Office of Transportation Security	November 5, 2012	Meals and Refreshments	\$28
Host Delegation from the Dutch Ministry of Security and Justice	November 6, 2012	Meals and Refreshments	\$105
Host the Administrator of the Philippines Office of Transport Security	December 10, 2012	Meals and Refreshments	\$65
Host Delegation from the Philippine Office of Transport Security	December 10-12, 2012	Refreshments & Gift	\$87
Host Saudi Arabian Delegation from the General Authority on Civil Aviation to Sign Memorandum of Cooperation	January 17, 2013	Refreshments	\$84

Expense Name	Date	Purpose	Expenditure
Host Delegation from the German Federal Ministry of Transport & German Federal Ministry of Interior	February 19, 2013	Refreshments	\$55
Host Delegation from the United Kingdom Department of Transport	March 12-14, 2013	Meals and Refreshments	\$124
Host the Semiannual United States - Israel Aviation Security Working Group	March 20-22, 2013	Meals and Refreshments	\$115
Host Delegation from Cuban Interest Section	April 10, 2013	Refreshments	\$32
Host Delegation from the Eastern Caribbean Civil Aviation Authority to sign Memorandum of Cooperation	April 15, 2013	Refreshments	\$37
Host Quadrilateral Group Coordination Meeting	May 22-23, 2013	Meals and Refreshments	\$1,076
Host Bi-annual United States - French Transportation Security Working Group Meeting	May 28, 2013	Refreshments	\$39
Host the European Civil Aviation Conference Behavior Detection in Aviation Security Study Group	May 30-31, 2013	Refreshments	\$112
Host Delegation from the Japanese Civil Aviation Bureau	June 27-28, 2013	Meals and Refreshments	\$81
Purchase gifts for representatives from Korea, Japan & China	September 9-13, 2013	Gift	\$80
Host Delegation from the Netherlands Ministry of Security & Justice	September 12, 2013	Refreshments	\$49
Host Thailand Leadership Development Delegation	September 16-18, 2013	Meals and Refreshments	\$297
Host the Quadrilateral High Level Group Meeting	September 18-19, 2013	Meals and Refreshments	\$2,013
Host Singapore Delegation at International Civil Aviation Organization Assembly in Montreal, Canada	September 25-26, 2013	Refreshments	\$270
<b>Total</b>			<b>\$4,941</b>

Note: FY 2013 funding of \$15,357 includes: \$7,650 from FY13 Enacted and \$7,707 from FY 2012 Carryover

Expense Name	Date	Purpose	Expenditure
<b>Expenditure from 10/1/2013 through 12/31/2013</b>			
Purchase Mementos to Provide to Dignitaries at Meetings and Receptions	October 1, 2013	Gift	\$1,540
Host Delegation from Civil Aviation Administration of China	November 1, 2013	Meals and Refreshments	\$115
Gift for Head of Delegation from Civil Aviation Administration of China	November 1, 2013	Gift	\$55
Host Delegation from the Japanese Civil Aviation Bureau	November 21-22, 2013	Meals and Refreshments	\$215
Gift for head of Delegation from the Japanese Civil Aviation Bureau	November 21-22, 2013	Gift	\$55
Host the Latin American Civil Aviation Commission for Technology Workshop	November 18-21, 2013	Refreshments	\$387
Host Republic of Korea Aviation Security Cooperation Group	December 3, 2013	Meals, Refreshments & Gift	\$407
<b>Total</b>			<b>\$2,774</b>

Note: FY 2014 funding of \$15,300 includes: \$7,650 from FY 2014 Enacted and \$7,650 from FY 2013 Carryover

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE Harold Rogers**

**John Pistole, Administrator, Transportation Security  
Administration**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 Transportation Security Administration Budget Request

March 25, 2014

**Transport of Security Sensitive Materials**

**Question:** Section 1554 of the 9/11 Act of 2007 requires TSA to “develop a program to facilitate the tracking of motor carrier shipments of security sensitive materials.” Over six years have passed since the 9/11 Act became law and TSA still has no visibility into the movement of almost two million shipments of the most dangerous materials in commerce - explosives, toxic inhalation gases, and radioactive materials – that travel over our nation’s roads every year. For the past two years, the Committee has urged TSA to move forward on developing the shipment tracking program as required by Section 1554. In response to a Question for the Record (QFR) issued by the Committee in February 2012, TSA replied in writing that it intended to commit \$3 million in incremental funding to an on-going R&D initiative - \$1.5 million in FY2012 and \$1.5 million in FY2013. To date, none of that \$3 million in funding has been applied and the R&D program has been at a standstill for over a year. In a hearing on March 25, 2014, the Committee asked TSA about its intention to honor its written QFR commitment as well as TSA’s funding commitment to the R&D initiative in FY 2014 and FY 2015. What is TSA’s plan for honoring the February 2012 QFR funding commitment it made to the Committee?

**ANSWER:** To date, the Transportation Security Administration (TSA) has committed \$4.0 million to the security shipping of highway security-sensitive materials (HSSM). This includes providing \$1 million in funding for the initial development of the FEDTRAK™ program for “security sensitive material tracking” Research and Development (R&D). Since the initial funding, TSA committed an additional \$1.5 million for the Kentucky Transportation Center (KTC) to conduct an evaluation and cost technology study directed by Congress in the *Implementing Recommendations of the 9/11 Commission Act of 2007* (9/11 Act) (sec. 1554 (a)(2)(c)). The results of the KTC study were provided to TSA in December 2013, and upon completion of the review and analysis, it was determined that additional R&D would be required.

Finally, as a result of ongoing discussions with KTC, TSA has agreed to continue funding of the FEDTRAK™ R&D, committing an additional \$1.5 million for the development of an electronic manifest-chain of custody control system for Tier 1 Highway Security Sensitive Materials (Tier 1 HSSM). According to KTC in their Executive Report dated December, 2013, upon the



completion of the electronic manifest system, it could be used as an Emergency-Ready tracking system, with very limited visibility in the movement of HSSM.

**Question:** In the March 25<sup>th</sup> hearing, the Committee again expressed its concern about the lack of a tracking system and, therefore, the lack of real-time visibility into the nationwide movement of trucks carrying highway security sensitive materials (HSSMs). The Committee expressed its concern that a truckload of explosives or toxic inhalation gas could “disappear” in transit to later reappear in a high population area as a weapon in a terrorist act. If that unfortunate event happened tomorrow, especially if we suffered lives lost, TSA would undoubtedly be under tremendous pressure to assure the public and Congress that another security incident would not occur. Last year, the Committee encouraged TSA to continue – without interruption – an on-going research and development initiative to develop an “emergency-ready” tracking system for Tier 1 HSSMs that could be quickly deployed if TSA needs to inject tighter security control into the hazmat supply chain, especially after a security incident involving HSSMs. The Committee strongly urges TSA to move forward on this important research and development initiative with the objective of completing it by the end of FY 2015. What is TSA’s plan for developing an “emergency ready” tracking system for Tier 1 HSSMs via its on-going research and development initiative? What are TSA’s FY 2015 funding intentions for this important research and development initiative?

**ANSWER:** The Transportation Security Administration (TSA) is continuing the Research and Development (R&D) efforts of a “tracking system” through the FEDTRAK™ initiative, which involves Tier 1 highway security-sensitive materials shipments. The electronic manifest system alone is not an “emergency ready” tracking system; however, in the event of an emergency, it would allow very limited visibility into highway security-sensitive materials (HSSM) while in transit.

High risk cargoes belonging to the Department of Defense or licensed by the Nuclear Regulatory Commission are transported under restrictions including tracking to mitigate risk. TSA’s risk analysis indicates that the risk associated with an attack using a HAZMAT-carrying truck is low relative to other highway attack vectors and scenarios.

TSA has elected to continue the funding of the FEDTRAK™ R & D by committing an additional \$1.5 million for the development of an electronic manifest-chain of custody control over Tier 1 HSSM shipments. TSA will continue to monitor the results of the development to the electronic manifest tracking system, which TSA anticipates will be completed during Fiscal Year 2015. TSA will determine the path forward after the development is completed.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE Chuck Fleischmann**

**John Pistole, Administrator, Transportation Security  
Administration**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 Transportation Security Administration Budget Request

March 25, 2014

**Federal Cost Estimate**

**Question:** Mr. Pistole, with regard to the “Federal Cost Estimate” (FCE) TSA uses to award screening services at participating SPP airports, please provide an updated description of the FCE, including the full details regarding how this FCE is calculated, to include all the cost elements, their specific calculations and explanations of the calculation, sources for data and reasons for inclusion.

**ANSWER:** The Transportation Security Administration (TSA) developed a methodology to determine actual airport operating expenses to set a basis for assessing cost efficiency for Screening Partnership Program (SPP) contracts. This approach was reviewed by the Department of Homeland Security Cost analysts from the Office of Program Accountability and Risk Management to ensure its soundness and validity. The Federal Cost Estimate is published in Requests For Proposal, and qualified potential vendors must propose a price less than or equal to this number to be eligible for an award of a screening contract. This applies to all airports, whether they are already participating in SPP or new to the program. Estimating federal screening costs at prospective SPP airports follows this basic model:

- An airport has a specific number of employees needed for screening as defined by the Staffing Allocation Model (SAM).
- The number of screening employees is multiplied by an airport and position specific wage rate, benefit rate, and a premium pay rate, based on actual costs for each airport.
- Compensation for administrative staff, based on TSA staffing business rules, is included.
- New hire costs, due to expected attrition, are calculated and included.
- Uniforms, real estate, and consumable supplies are all included.
- Overhead costs are assumed based on airport headcount and included in the estimate.
- Workers Compensation is calculated and included.
- The costs from the use of the National Deployment Force are factored in based on previous TSA experience.

- Imputed costs such as Retirement, Corporate Tax Adjustment and General Liability Insurance are calculated, but not entirely included in final estimates where these costs are outside of TSA's budget.
- An annual inflation adjustment is applied to out-year estimates.
- Transition costs are included. TSA follows guidance consistent with the Office of Management and Budget (OMB) Circular A-76, calculating ten percent of the personnel costs in the base year estimate as consideration for transition costs.

There are a number of variables used in estimating Federal costs. These items are outlined in the table below and include variables such as attrition, wage rates, and facility costs. Whenever possible, TSA uses actual, airport specific data to calculate the most exact estimate possible.

Variable	Source
Attrition	Actual prior year payroll and separation data by airport and category.
Staffing Allocations by pay band	Staffing Allocation Model (SAM), which has been audited by the Government Accountability Office
Wage Rates by pay band	Actual Private contractor data and actual payroll data from the National Finance Center (NFC). Rates adjusted for inflation per OMB guidance.
Benefits (Fringe Rate) Percentage by Band	Payroll data from National Finance Center
Premium Pay Rate Percentage by Band	Payroll data from National Finance Center
Federal Security Director (FSD) Staff	Allocation from TSA's established Federal Security Director Staff model.
New Hire Costs	Standard rates used by TSA for all new Transportation Security Officer hires. Based on the standard DHS Cost Model.
Uniforms	Standard national reimbursement allowance negotiated through collective bargaining and provided by national contract.
Consumables and Facilities	Actual private contractor cost, or in the case of a current federal airport, actual rent and facilities costs and consumable costs based on current budgetary allocations to the airport.
Other Direct Airport Costs (Admin supplies, National Deployment Force, etc.)	Annual cost estimated by various TSA program offices on demand when airport estimate is calculated.
Incremental General & Administrative Costs	Actual costs and budgeted allocations for relevant programs from the TSA financial system.
Workers Compensation	Most recent annual actual liability incurred by TSA and paid through the Department of Labor.
Imputed Retirement Costs	Calculated by TSA in accordance with managerial cost accounting standards.

**Question:** Mr. Pistole, with regard to the FCE, TSA now acknowledges that the FCE includes only costs "to the TSA" and does not include other costs still borne by the federal government. Yet, when a proposing offeror calculates its proposed price, it must include all of its costs, including those costs TSA would not incur, as these are paid by other federal agencies (e.g.,

retirement and general liability). Is this a fair and equitable comparison? If you insist on continuing to utilize the FCE, will you adjust your calculation to rectify these inequalities?

**ANSWER:** The Transportation Security Administration (TSA) believes the Federal Cost Estimate (FCE) is a fair and equitable comparison. Some cost items such as portions of retirement and general liability are outside of TSA's appropriated budget. TSA computes and provides estimates of these imputed costs as a matter of transparency. For the purposes of cost efficiency determinations, TSA includes only those items funded in its annual appropriation. For items such as wages and benefits, TSA uses actual, airport-specific expenses. Benefits paid from TSA's annual budget do include items such as agency contributions to retirement and healthcare. Wages and benefits are approximately 85-90 percent of the cost of screening operations.

In computing wages and benefits for screening personnel for the purpose of satisfying the requirement in the Aviation and Transportation Security Act of 2001 (ATSA) that private sector screening personnel receive at least the same wages and benefits of federal screeners, TSA uses those amounts paid only from its annual appropriations as a comparison for private sector screening personnel. If TSA were to include additional amounts, outside of TSA's budget, this may require private companies to make a similar adjustment to comply with the provisions of ATSA.

Further, if TSA included the cost of items not currently in its annual budget, satisfying those additional costs would require a reduction in other security programs to accommodate those costs. At the request of Congress, TSA is procuring an independent study to evaluate this decision and the Federal Cost Estimate methodology. TSA released a request for quote under the GSA on April 16, 2014, and intends to meet Congress's deadline of having the study completed within one year of enactment of the Consolidated Appropriations Act, 2014.

**Question:** Mr. Pistole, your agency has indicated that if they calculated the FCE based on total federal costs, they would have to reprogram other TSA costs in order to make up the difference and this would deprive TSA of budgetary resources needed elsewhere. However, is it not true that SPP expenditures are a separate line item in TSA's budget, one that TSA has yet to exceed even though Congress increased it for FY14? Therefore, even if the argument in favor of an FCE were accepted, would an award greater than "TSA costs" truly require budgetary reallocation?

**ANSWER:** The Screening Partnership Program (SPP) is a separate Program, Project or Activity (PPA) within the Transportation Security Administration's (TSA) Aviation Security Appropriation. In accordance with reprogramming rules included in the TSA's annual appropriation, the SPP, as is the case with other TSA programs, has in the past reprogrammed funds across PPAs. This was done in order to meet emerging requirements that otherwise would have led the PPA to exceed its enacted level. These adjustments have increased and decreased PPA funding relative to the enacted level, depending on the requirements of the fiscal year.

TSA views the requirement of the FAA Modernization and Reform Act of 2012 (P.L. 112-95) to consider cost efficiency as one that requires a comparison of relative cost of alternatives, rather than one that considers additional funds that may be available in a PPA.

**Question:** Mr. Pistole, TSA insists that the FCE is the cost “to TSA” to perform security screening at a given airport. Recently, TSA awarded a contract for security screening at Kansas City whose bid was \$24,928,026.10 BELOW the TSA FCE, approximately 18.6% less than what TSA says it costs to perform those services efficiently and with security effectiveness. How can the TSA justify that such a low bid meets the mandated criteria for “cost efficiency” and “security effectiveness” and not, instead present the TSA, federal government and traveling public with unacceptable levels of risk?

**ANSWER:** The Transportation Security Administration awards contracts under the Screening Partnership Program that provide the best value to the government and do not compromise security or detrimentally affect the cost-efficiency or effectiveness of screening passengers or property as required by the FAA Modernization And Reform Act of 2012 (P.L. 112-95). Upon conclusion of the evaluation process which includes this criteria, the award is made to the responsible offeror whose proposal, conforming to the solicitation, will be most advantageous to the Government. A low price does not necessarily reflect on insufficiency of technical approach (to ensuring security effectiveness). In the case of Kansas City International Airport, the winning proposal was found to be the most advantageous offer for the Government.

### **Screening Partnership Program**

**Question:** Mr. Pistole, at the Appropriations Subcommittee on Homeland Security hearings on March 25, you again stated that SPP airports are “anywhere from 3 percent to 9 percent more expensive than the federal workforce.” Congress and other agencies have repeatedly asked your agency to present the documentation to support this statement and, to date, TSA has not done so. Please provide the definitive analysis to support the “3 to 9 percent” cost differential.

**ANSWER:** The reference made to 3 to 9 percent is from a GAO report update in 2011 (GAO-11-375R) which included alternative approaches to formulating estimates. As reflected in the report, this range was for a point in time and was a composite average for all participants in the program. Estimates vary from airport to airport and are dependent on security requirements, which are known to change as a result of such things as changes to the configuration of the airport, passenger throughput and equipment requirements.

The Transportation Security Administration (TSA) is currently pursuing an independent study of the Screening Partnership Program related to cost and performance comparisons. TSA intends to include, as part of this study, a full assessment of the existing methodology, proposed changes and potential impacts of implementing those changes. This independent report is expected to be provided to GAO for its review within one-year of enactment of the Fiscal Year 2014 budget.

**Question:** Mr. Pistole, in your March 25 testimony, you indicated that adding SPP airports and contractors would drive up TSA administrative costs. If this is true, please explain to the committee the nature and value of those costs.

**ANSWER:** My comment was intended to reflect that administrative costs for the Screening Partnership Program are dependent on issues such as the number of airports in the program, the size and operational complexity of these airports, and the number of companies involved in providing services. For example, implementing or negotiating multiple changes at several airports with multiple contract providers may present greater challenges than managing these matters with fewer contract providers or airports. Similarly, multiple and overlapping contracting competitions may require more Headquarters administrative resources to manage efficiently.

**MICHAEL P. MELANIPHY**  
**PRESIDENT & CEO**  
**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION (APTA)**  
**SUBMITTED TO**  
**THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY**  
**On Rail and Transit Security Grants, the FEMA State and Local Preparedness Grant**  
**Program, and TSA Surface Transportation Security, within the Fiscal Year (FY) 2015**  
**Appropriations for the Department of Homeland Security**  
**April 10, 2014**

**INTRODUCTION**

Mr. Chairman and members of the Subcommittee, thank you for this opportunity to submit written testimony on the Fiscal Year (FY) 2015 funding needs for public transportation security programs within the Department of Homeland Security. APTA and its industry partners have urged Congress to significantly increase appropriations for transportation security programs within the Federal Emergency Management Agency (FEMA) for the last several federal budget cycles. Past appropriations have not come close to the levels authorized under the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53). Additionally, in recent years, support from the Transportation Security Administration (TSA) has allowed critical work to go forward in the development of transit security and preparedness standards and national transportation security information sharing and analysis.

**ABOUT APTA**

The American Public Transportation Association (APTA) is a nonprofit, international association of nearly 1,500 public and private member organizations, including transit systems and commuter, intercity and high-speed rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical public transportation services and products. More than ninety percent of the people using public transportation in the United States and Canada are served by APTA member systems. Additionally, in accordance with the National Infrastructure Protection Plan, APTA has been tasked by Department of Homeland Security to administer the on-going activities of the Mass Transit Sector Coordinating Council (SCC).

**Continued Risks to Our Nation's Transit Systems**

In the many years since 9/11, several authoritative sources studying terrorism have continued to acknowledge that the risk to public transportation systems for a terrorist attack is real and has not diminished. Such sources include the federally-funded and chartered Mineta Transportation Institute (MTI) and the U.S. Government Accountability Office (GAO). Other government agencies have also reported on or testified to Congress that public transportation in America remains vulnerable to terrorist attack, al-Qaeda remains interested in targeting the transit sector, and that more needs to be done to prevent and prepare for a potential terrorist attack. While we have been very fortunate to date in not having a direct terrorist attack carried out in our transit

systems, several attacks have been foiled and conspiring terrorists who intended to attack some of our largest systems in New York City, Washington, DC, and New Jersey were arrested.

### **Greater Investments in Transit Security are Required**

In 2013 Americans took 10.7 billion trips on public transportation, which is the highest annual public transit ridership number in 57 years. As ridership continues to grow, public transportation security risk exposure and needs also increase, however, we have seen an overall trend of less federal investment in transit security over the past several years. In FY 2008 the Transit Security Grant Program (TSGP) made nearly \$389 million dollars available for transit systems. In FY 2014, \$90 million was made available – a 77% decrease in funding. With transit ridership and security risks growing, we remain concerned with this underinvestment in the security of our nation’s transit systems.

We are well aware of the many pressures on our nation’s budget and the importance of addressing other national funding priorities; however, the current level of transit security funding is woefully inadequate as the Transit Security Grant Program is the primary source of funding for security needs of public transportation agencies. To put the current level of investment in transit security into greater perspective, we note that a 2010 APTA survey of its members found security investment needs in excess of \$6.4 billion nationwide. APTA urges Congress to acknowledge the risk that our citizens and transit systems continue to face, and restore appropriations for the Transit Security Grant Program in this and subsequent appropriation bills to levels closer to those authorized under the 9/11 Commission Act.

### **Opposition to the Proposed FY2015 National Preparedness Grant Program**

The Department of Homeland Security (DHS) has once again proposed the creation of the “National Preparedness Grant Program (NPGP)” in its FY 2015 budget proposal. The program would consolidate several existing DHS grant programs, including the Transit Security Grant Program (TSGP), into the single NPGP. Congress rejected similar proposals in FY 2012, 2013, and 2014. The transit industry also opposes the proposed structure of the NPGP as it calls for:

- Elimination of the Transit Security Grant Program – The industry supports a sufficiently-funded, segregated and dedicated grant program for public transportation security as envisioned in the 9/11 Commission Act;
- Prohibition of transit agencies to apply for DHS funding – The industry opposes any mandate(s) that prohibit transit agencies from directly applying to and directly receiving funding from DHS; and
- 24-month Grant Performance period – Both grantees and the DHS have made significant strides to shorten proposal review, drawdown, and grant close-out procedures in recent years. These improvements should be commended as they will enhance the TSGP, however, the DHS erroneously suggests that these improvements justify a 24-month grant performance period. The strengthening of critical transit infrastructure, including physical security enhancements, often requires an excess of 24-months to properly plan, procure, and build. The industry opposes any grant performance period of less than the current 3-5 year allowable expenditure period (an initial 3-year window with eligibility for two 1-year extensions).



Lastly, APTA concurs with the intent of the 9/11 Commission Act, calling for a transit security program that aims to primarily address capital needs, however, we recognize that operational needs should continue to be eligible for a limited portion of transit security funding.

### **Transportation Security Administration (TSA) Surface Transportation Security**

APTA and the public transportation industry have developed a strong and beneficial working relationship with the TSA in recent years in particular in the area of information and intelligence sharing and analysis, cybersecurity, and security standards development. As such, APTA strongly supports the Administration's request for the TSA's Surface Transportation Security program, including its support for security standards development and the Information Sharing and Analysis Centers (ISACs).

#### *Transit Security Standards Development*

Similar to other government, public, and corporate entities, public transportation agencies, prioritize the safety and security of their patrons; vehicles and property; sensitive administrative data; planning documents and information; and critical IT infrastructure and operations systems against numerous threats. APTA initially partnered with the Federal Transit Administration (FTA), and most recently the Transportation Security Administration (TSA) and the business community to advance the APTA Security Standards Program which has served as a tremendous resource to the industry.

The Security Standards program allows for capturing lessons learned and industry best practices of transit systems that have implemented successful strategies. The program has invested in necessary security "patches" for transit systems. The program also allows DHS/TSA to vet security ideas with the industry rather than forcing untested mandates/regulations on transit agencies that might not be successful in an operating environment.

The program is developing a substantial workload of standards and recommend practices that are being reviewed by the five different security working groups:

- 1) Fixed Infrastructure
- 2) Security Risk Management
- 3) Emergency Management
- 4) Enterprise Cyber Security
- 5) Control and Communications Cyber Security

Cyber security is an increasing concern globally and a particular area of focus within the Standards Program. IT systems are central components in the operations and administration of small, medium, and large transit agencies. A cyber-attack or IT system breach of a transit agency can pose increased levels of concern as cyber threats may not only compromise administrative/business systems (i.e. employee records, inventory data, etc.), but can lead to the malfunction of critical control, GPS, and communications systems in vehicles or track infrastructure. It is worth noting that the federally mandated positive train control (PTC) system designed to prevent train collisions is itself a nationwide interconnected IT system. The creation

and development of cutting edge procedures to prevent cyber-attacks in the transit industry is vital. The cyber-security working groups of the Standards Program are partnering directly with transit agencies and making significant progress on document development and educating the industry as a whole on modifying and security their IT systems and computing and communications environments.

#### *Information-Sharing and Analysis Centers (ISAC)*

In 2002, APTA was designated by the Secretary of Transportation as the sector lead for creating and operating the Public Transportation–Information Sharing and Analysis Center (PT-ISAC). The project was initially funded by the FTA and most-recently the TSA committed \$1.1 million to continue ISAC operations.

APTA, TSA, and FTA have been long been working collaboratively through the Mass Transit SCC/GCC process to streamline the information sharing environment within the public transit industry and eliminate redundancy. This partnership led to the formation of an industry/government “Security Information Sharing Working Group”, including the Association of American Railroads (AAR). The working group subsequently developed the *Transit and Rail Intelligence Awareness Daily (TRIAD)* report as the daily Surface Transportation (ST) and PT-ISAC security notification platform. The TRIAD provides ISAC members with a quick, web-based, functional synopsis in three fundamental areas – suspicious activities, terrorism and counterterrorism analysis. The ISAC also includes a Daily Open Source Cyber Report and serves as a reliable vehicle for TSA to distribute their critical industry critical updates.

In 2012 TSA requested that APTA create the Highway ISAC (now called the Over the Road Bus-ISAC or OTRB-ISAC). The OTRB-ISAC has also implemented, at the request of TSA, an “incident call center” which is replacing parts of another expired TSA grant/program run by the American Truckers Association. The efficiency, responsiveness, and critical commentary the ST, PT and OTRB-ISACs provide help to protect public transit, freight rail, and over the road bus agencies and companies which comprise much of the transportation sector.

The PT-ISAC and now the OTRB-ISAC have proven to be essential resources within the public transit and motor-coach industries. The PT-ISAC is the single most important and effective national information and intelligence sharing tool that public transit systems can access. The PT-ISAC delivers comprehensive national intelligence information with additional analysis and recommendations from government intelligence reports.

#### **Conclusion**

Mr. Chairman and members of the Subcommittee, I thank you for this opportunity to share our views on these critical homeland security issues. There is no greater priority for public transportation systems than the safety and security of our passengers and workers. Transit systems across the country continue to stand ready, committed and vigilant in utilizing available resources efficiently to protect our systems and our riders. We are grateful for the past support of this subcommittee and its investments in public transportation security.

WEDNESDAY, MARCH 26, 2014.

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**WITNESS**

**CRAIG FUGATE, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY**

**OPENING STATEMENT: MR. CARTER**

Mr. CARTER. Good morning. This hearing is called to order.

This morning, we welcome Administrator Craig Fugate to discuss the fiscal year 2015 budget request.

Administrator, thank you for joining us.

Over the last few years, FEMA has worked to rebuild the devastated communities and to rebuild itself. Administrator Fugate, this Committee has a strong history of responding to your agency's needs by providing the funding that was so desperately needed to rebuild and reorganize FEMA in the post-Katrina era. We will continue to do so, but that funding will not be a blank check, as you well know.

Administrator Fugate, before we begin, I want to touch briefly on several issues, which we will discuss at length later in the hearing.

With respect to disaster funding, do you have what you need to continue the relief and recovery from today's disasters and those disasters that will occur tomorrow? To lower costs and speed up recovery, Congress provided additional authorities to FEMA last year. How are they being implemented, and how will they save money in the future?

With respect to grants, your fiscal year 2015 budget again includes a proposal to reform FEMA's grant structure, a proposal that we have seen before and have denied the request of the authorizers. This year, FEMA has finally submitted the associated legislative proposal to the appropriate authorizing committee. Why do we need a new grant program, and what are the challenges ahead to obtain authorization?

Administrator Fugate, these are issues with which you are very familiar. We look forward to hearing from you and getting your thoughts on these challenges.

Administrator, your written statement will be placed in the record, so I ask you to take 5 minutes to summarize it.

But, first, I would like to recognize Mr. Price, our distinguished Ranking Member and former Chairman, for his opening remarks.  
[The information follows:]

**The Honorable John Carter  
Subcommittee on Homeland Security  
Committee on Appropriations  
FY15 FEMA Budget Request**

**Witness:**

**Administrator Craig Fugate**

**10:00 AM | Wednesday | March 25, 2014 | 2359 RHOB  
Opening Statement As Prepared**

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Hearing is called to order –

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Administrator Fugate, these are issues with which you are very familiar, and we look forward to hearing your thoughts on these challenges.

Administrator, your written statement will be placed in the record, so I ask you to take five minutes to summarize it. But first, I'd like to recognize Mr. Price, our distinguished Ranking Member and former Chairman, for his opening remarks.

#####

## OPENING STATEMENT: MR. PRICE

Mr. PRICE. Thank you, Mr. Chairman.

Administrator Fugate, thank you for joining us this morning to discuss FEMA's proposed budget for fiscal year 2015.

Your tenure has been a very, very busy one, particularly in 2011, which brought a record-high 99 major disaster declarations, along with 29 emergency declarations and 114 fire management assistance declarations. That was also a record level. Since 2011, we have seen an additional 109 major declarations, including, of course, Superstorm Sandy in 2012, the biggest test of FEMA's capabilities since Hurricane Katrina in 2005.

I also want to express my sympathies to the families affected by the devastating mudslides in Washington State. These mudslides have now claimed 24 lives. They continue to pose unique dangers to those undertaking recovery efforts. FEMA personnel have once again responded quickly to this disaster and are working diligently with first responders in Washington under extremely difficult circumstances. We commend them and you for your efforts.

Mr. Administrator, by almost all accounts FEMA has performed admirably under your leadership and has been there for the American people in every one of these disasters. As an agency, FEMA has had its ups and downs over the years, but it seems clear to me that you and your team are doing something right. So we commend you for that, and we thank you for your continued leadership.

The budget request for FEMA is \$10.4 billion, including \$6.4 billion for major disasters under the Budget Control Act cap adjustment. Excluding this major disaster funding, the request totals \$3.97 billion, \$384.6 million or 8.8 percent below the current-year level.

Much of that cut, I was disappointed again to see, is attributable to a \$223 million reduction in State and local discretionary grants. The cut is almost \$300 million, or nearly 20 percent, when considering both discretionary grants and training grants.

Now, I recognize that the President's Opportunity, Growth, and Security Initiative proposes additional funding for FEMA grants, and I support that initiative, which shows what the House could do if Republicans were willing to just close a few tax loopholes. But that isn't the same as including the funding in FEMA's base budget request, nor is there any chance of its implementation prior to our subcommittee mark being produced.

This cut to grant funding is once again paired with a proposal to consolidate the discretionary grant programs into a single National Preparedness Grant Program. As you know, stakeholder groups have had serious concerns about this approach, some of which you can perhaps address today.

But I do want to credit you for submitting authorizing legislation for the program this year, something that has been missing from the prior versions of this proposal.

We need to better understand the implications of the restructuring of these grants. This proposal does more than just change the structure of the programs themselves; it could change the entire dynamic of who gets funding, how funding is dispersed, what activities become eligible.

I continue to have concerns about how this approach will work in practice. Would we risk pitting Governors against Mayors, for example, or State capitals against their most populous cities? Answers to these questions still need further development. I look forward to being able to get into that further this morning.

I must also register my misgivings about the number of cities that are being funded through UASI in fiscal 2014. The number of these cities has been unexpectedly increased by 56 percent. To do that and then at the same time to propose a 2015 budget that cuts \$300 million in funding seems incongruous.

I thought we had reached a consensus that this program should concentrate on urban areas that face the highest terrorism risk and not be used to spread the wealth around. So I am having trouble understanding why we seem to be backsliding on what is perhaps our most highly focused program by reverting to a broad dispersal of funding.

I also want to express concern about the proposed cut to the Emergency Food and Shelter Program, along with the proposal to transfer this funding and the administrative responsibility for the program to the Department of Housing and Urban Development.

The budget also includes what is now a familiar proposal, to eliminate the Pre-Disaster Mitigation Program. I acknowledge here, too, the Pre-Disaster Mitigation is included in the OGSF, but that really doesn't mitigate the lack of funding in the base budget.

So, Administrator Fugate, I want to thank you again for your service for the country, the decisive leadership you have offered, the way you have turned this agency around. You are a great public servant, and we appreciate that service. We have some important things to discuss this morning about how you could even do your job better, and we look forward to that discussion.

Mr. CARTER. Thank you, Mr. Price.

[The information follows:]



## COMMITTEE ON APPROPRIATIONS

David Price (D-NC), Ranking Member, Subcommittee on Homeland Security

EMBARGOED UNTIL DELIVERY (Approx. 10:00 AM)  
Wednesday, March 26, 2014

Media Contact: Andrew High  
202-225-1784, [andrew.high@mail.house.gov](mailto:andrew.high@mail.house.gov)

### **OPENING STATEMENT OF RANKING MEMBER DAVID PRICE** *Federal Emergency Management Agency FY2015 Budget Hearing* *March 26, 2014 / 10:00 am*

Administrator Fugate, thank you for joining us this morning to discuss FEMA's proposed budget for fiscal year 2015. Your tenure has been a busy one, particularly in 2011, which brought a record high 99 Major Disaster Declarations, along with 29 Emergency Declarations and 114 Fire Management Assistance Declarations, also a record level. Since 2011, we have seen an additional 109 Major Declarations, including of course Superstorm Sandy in 2012 – the biggest test of FEMA's capabilities since Hurricane Katrina in 2005.

Mr. Administrator, by almost all accounts, FEMA has performed admirably under your leadership and has been there for the American people in every one of these disasters. As an agency, FEMA has had its ups and downs over the years, but it seems clear to me that you and your team are doing something right. So we commend you for that and thank you for your continued leadership.

The budget request for FEMA is \$10.4 billion, including \$6.4 billion for major disasters under the Budget Control Act cap adjustment. Excluding this major disaster funding, the request totals \$3.97 billion, \$384.6 million – or 8.8 percent – below the current year level.

Much of that cut, I was disappointed again to see, is attributable to a \$223 million reduction in state and local discretionary grants. The cut is almost \$300 million, or nearly 20 percent, when considering both discretionary grants and training grants. I recognize that the President's Opportunity, Growth, and Security Initiative (OGSI) proposes additional funding for FEMA grants, and I support the initiative, which shows what the House could do if Republicans were willing to close a few tax loopholes. But that is not the same as including the funding in FEMA's base budget request, nor is there any chance of its implementation prior to our Subcommittee mark being produced.

The cut to grant funding is once again paired with a proposal to consolidate the discretionary grant programs into a single National Preparedness Grant Program. As you know, stakeholder groups have had serious concerns about this approach, some of which you can perhaps address today. But I do want to credit you for submitting authorizing legislation for the program this year, something that has been missing for the prior iterations of the proposal.

We need to better understand the implications of wholly restructuring these grants. The proposal does more than just change the structure of the programs themselves – it could change the entire dynamic of who

gets funding, how funding is dispersed, and what activities become eligible. I continue to have concerns about how this approach will work in practice. Would we risk pitting Governors against Mayors, for example, or state capitals against their most populous cities? Answers to these questions still need further development and I look forward to hearing your thoughts this morning.

I also must register my misgivings over the number of cities that will be funded through UASI in FY14. To increase the number of cities by 56 percent, while at the same time proposing a 2015 budget that cuts \$300 million in funding seems incongruous to me. I thought we had reached a consensus that this program should concentrate on urban areas that face the highest terrorism risk and not used to spread the wealth around, and I'm having trouble understanding why we seem to be backsliding on what is perhaps our most highly focused program by reverting to a broad dispersal of funding.

I also want to express concern about the proposed cut to the Emergency Food and Shelter Program, along with the proposal to transfer the funding and administrative responsibility for the program to the Department of Housing and Urban Development.

The budget also includes what is now a familiar proposal to eliminate the pre-disaster mitigation program. I acknowledge the inclusion of a pre-disaster mitigation initiative in the O-G-S-I, but again, that hardly mitigates the lack of funding in your base budget.

Administrator Fugate, I want to thank you again for your service to the country. I look forward to a good discussion this morning on how we can help you do your job ever better.

# # #



Mr. CARTER. We are ready to hear your statement.

OPENING STATEMENT: ADMINISTRATOR FUGATE

Mr. FUGATE. Well, thank you, Mr. Chairman, Ranking Member Price, and other members of the committee.

You have my written statement, and I thought I would start out with something probably a little bit different. Instead of advocating for my budget, I wanted to thank you for a budget.

You know, I took a lot of courses in high school as a kid that I didn't know were ever going to pay off, but probably one of the most important ones were civics and understanding the roles and responsibilities of how the government works, the separation of powers between the executive, legislative, and judiciary. But, you know, I have been here since 2009, and the struggles of going through uncertainty and not having a budget has added to the workload and complexity of trying to do our mission.

I know that in today's time this has not been an easy task, but being in normal order, where we have the opportunity to present our budget, you deliberate, you appropriate, gives us the certainty that we have not had to be able to execute our mission. I know it was a challenge, but I needed to make that. Because being in normal order, having a budget, as much as people maybe outside of Washington don't understand what that means, for the people that have to then implement the people's work given the funds that Congress provides, the certainty of a budget and the ability to execute our missions are key.

And so I always welcome the opportunity to present a budget. I always relish the opportunity to discuss the budget and understand that this is a process we go through. But I really wanted to thank the Appropriations, your staff, and you for giving us a budget and getting it through very difficult times, and know that those times continue, but it is an important part of how our government works. And that appropriation process is not something I look at lightly, and I think it is probably one of the foundations of how we ensure that the people's work gets done.

So, with that, I would close my understanding statement, Mr. Chairman, and I welcome the questions.

Mr. CARTER. Well, thank you.

[The information follows:]

STATEMENT  
OF  
CRAIG FUGATE  
ADMINISTRATOR  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
U.S. DEPARTMENT OF HOMELAND SECURITY  
BEFORE  
THE  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON HOMELAND SECURITY  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.  
**“THE FEDERAL EMERGENCY MANAGEMENT AGENCY’S BUDGET SUBMISSION  
FOR FISCAL YEAR 2015”**

Submitted  
By  
Federal Emergency Management Agency  
500 C Street, S.W.  
Washington, D.C. 20472

March 26, 2014

## **Introduction**

Good Morning Chairman Carter, Ranking Member Price and Members of the Subcommittee. My name is Craig Fugate, and I am the Administrator at the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA). It is an honor to appear before you today to discuss FEMA's Fiscal Year (FY) 2015 budget request.

FEMA's mission is to support our citizens and first responders to ensure that, as a nation, we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.

The FY 2015 President's Budget request provides the level of resources required, in a balanced and prioritized manner, to support the Agency's ability to fulfill its emergency management mission, while recognizing the budgetary controls and needs of the Agency.

The FY 2015 budget request reflects FEMA's priority to manage resources effectively across the federal government while ensuring the nation's resilience to disasters. Under my direction, the Agency continues to re-examine its current allocation of resources to consider the relative return on investment and to better focus on those programs that have the most significant impact on the Agency's ability to fulfill its overall mission. Moreover, FEMA will continue to build on its successful past efforts to streamline and enhance current business processes, while using smart and innovative technologies to better maximize the delivery of services and the efficient use of available resources.

Development of the Agency's budget request was guided by the Administrator's Intent for FY 2015-2019, and its five strategic priorities: (1) be survivor centric in mission and program delivery; (2) become an expeditionary organization; (3) posture and build capability for catastrophic disasters; (4) enable disaster risk reduction nationally; and (5) achieve business and management excellence. FEMA is committed to leveraging our authorities and focusing our policies, programs and budget choices to best support our citizens and first responders in working together to ensure our nation's resilience to disasters. To deliver on this commitment, this Intent also provides two guiding principles to frame our thinking, build our budget request, guide our decisions, and shape our approach to mission and program execution, which are: (1) a whole community approach to emergency management and (2) fostering innovation and learning.

This testimony will review the initiatives the Agency hopes to pursue in FY 2015 through the lens of the Intent and the strategic priorities.

## **Disaster Relief Fund**

The Disaster Relief Fund (DRF) provides individual and public assistance to help families and communities affected by declared disasters to rebuild and recover, as well as mitigation funds to

reduce the impact of future disasters. The FY 2015 DRF budget request is consistent with the Budget Control Act of 2011 (P. L. No. 112-25) and totals \$7.03 billion, in addition to carry-over and recoveries. The DRF request for FY 2015 includes estimated costs for prior catastrophic events (including Hurricane Sandy), a ten-year average level for non-catastrophic disasters, and funds for DRF Base activities (i.e., Emergencies, Pre-disaster Surge Support, Fire Management Assistance Grants, and Disaster Readiness Support). The request also includes a \$1 billion set-aside for no-notice events, which should also support initial funding needs of a new catastrophic event. FEMA will continue to maximize the use of DRF resources by working closely with States, localities and tribes and through the use of its authorities and policies, including Strategic Funds Management, which is FEMA's process for obligating Public Assistance (PA) project funding based on a subgrantee's schedule to execute the eligible work. As in the FY 2014 Omnibus, the DRF FY 2015 request also includes a \$200 million rescission to Base balances in anticipation of unspent carry-over balances and expected additional recoveries.

### **FY 2013 Successes**

During FY 2013, FEMA accomplished the following in support of first responders, states and disaster survivors:

- Supported 65 major disaster declarations and 17 emergency declarations, activating the National Response Coordination Center for 29 days in response to four major incidents, including major responses to Hurricane Sandy, the Northeast winter storms, the Oklahoma City tornado and the Colorado flash flooding;
- Deployed two FEMA Urban Search and Rescue (US&R) Incident Support Teams and 11 FEMA US&R task forces in response to Hurricane Sandy in New York and New Jersey, searching 47,154 structures in both states, assisting 1,214 civilians and performing 1,417 civilian health and wellness checks;
- Processed five major disaster declarations for Indian tribal governments, using the new authority provided in the Sandy Recovery Improvement Act (SRIA) (P.L. 113-02) ;
- Provided Individual Assistance (IA) services to more than 729,800 applicants;
- Provided over \$5.9 billion in Public Assistance (PA) funds for eligible projects;
- Ensured 80 percent of the nation's flood hazard data is updated and current;
- Awarded more than \$1.6 billion in homeland security grant assistance to states, urban areas, tribal and territorial governments, nonprofit agencies, and the private sector thereby increasing the amount of homeland security funding DHS has awarded to these partners to more than \$38 billion since 2002; and
- Exceeded the Administration's "Freeze the Footprint" goal of a 1 percent reduction, thereby achieving green status on the DHS Real Property Scorecard for space utilization. "Freeze the Footprint" is an effort to encourage Federal agencies to dispose of unneeded properties and make more efficient use of the government's real estate assets.

## **Continuing to Implement Major Legislative Changes**

### *Sandy Recovery Improvement Act of 2013*

As part of the Disaster Relief Appropriations Act (P.L. 113-02), on January 29, 2013, President Obama signed SRIA into law, authorizing several significant changes to the way FEMA delivers disaster assistance. SRIA is one of the most significant pieces of legislation impacting disaster response and recovery since the Post-Katrina Emergency Management Reform Act of 2006. FEMA began implementing the provisions of SRIA while it was still helping survivors recover from Hurricane Sandy.

FEMA has developed and implemented pilot programs to use new authorities for Public Assistance Alternative Permanent Work and PA Debris Removal programs as part of its implementation of SRIA. When these pilots are completed, we believe the data will show that these programs speed recovery by empowering applicants with more choices, enabling better and timelier decisions that align with communities' recovery priorities, putting applicants in the driver's seat of their own recovery and reducing administrative costs.

### *Biggert-Waters Flood Insurance Reform Act of 2012*

The Agency is also implementing the Biggert-Waters Flood Insurance Reform Act of 2012, which aimed to make the National Flood Insurance Program (NFIP) more actuarially-sound and to make flood insurance rates better reflect real flooding risks.

The law requires changes to all of the major components of the NFIP, including flood insurance, flood hazard mapping, grants and floodplain management, as we are working to implement those provisions. These changes are being phased in over time and are consistent with the direction provided in the Department of Homeland Security Appropriations Act, 2014.

The Department of Homeland Security Appropriations Act, 2014 delays all work on implementing Section 207 of the Biggert-Waters Act, until October 1, 2014. However, it neither amends nor changes the requirements in Section 207 and once funding is made available, FEMA will be required to continue with implementation. This means that flood map changes that increase risk and were adopted by communities after July 6, 2012, as directed by Congress, will eventually phase out of the grandfathered rates retroactively once Section 207 implementation occurs. As part of the NFIP, FEMA identifies flood hazards, assesses flood risks, and partners with States, tribes and communities to provide accurate flood hazard and risk data, more accurately capturing flood hazard conditions now more than ever before with the Risk Mapping, Assessment and Planning program.

FEMA estimates that it will take an additional 12-18 months to implement Section 207 once funding is restored.

The FY 2015 request includes \$84.4 million to continue FEMA's Flood Map Modernization Fund and its long-term efforts to address existing gaps in the flood hazard data inventory and address changes that continue to occur over time.

### **Strategic Priorities**

FEMA's budget request is consistent with the Administrator's Intent and its strategic priorities. Below we have focused on some of the high-profile programs, policies and priorities that the Agency hopes to continue, modify or implement in FY 2015.

#### ***Strategic Priority One: Be Survivor Centric in Mission and Program Delivery***

As part of FEMA's effort and its stated strategic priority to be survivor centric in mission and program delivery, FEMA is working to ensure that everything it does is focused on the needs of the survivor – and has their perspective in mind as it plans, develops and executes its programs and policies.

#### *Continued Focus on the Survivor through Technology and Data*

In FY 2013, FEMA employees – supplemented by DHS Surge Capacity Force and FEMA Corps members – assisted survivors by registering them for assistance at their homes using tablet computers. Thus, survivors who had lost power and internet access were still able to sign up for disaster relief without leaving their homes.

FEMA has empowered survivors by creating a system where they can upload required registration documents directly to FEMA. Survivors then receive a text message confirming receipt of these documents, as well as any changes to their application.

Additionally, FEMA's Disaster Survivor Assistance Teams are using data collected in the field to ensure targeted communications with survivors, and the IA program is working to make their data more accessible to State and local partners, helping to ensure survivors have the information to tap into the strength of the whole community and know how to obtain the resources to meet their needs.

FEMA's app also has a feature that was built with survivors in mind. The Disaster Reporter is a feature in the Agency's app that allows users to take a photograph in a disaster area and submit it, along with a short text description. This allows citizens and survivors to access useful information on a map. It also provides additional situational awareness to FEMA, so that the Agency can use the additional information to determine if resources are needed for these photographed areas. This feature has proved valuable, not only for FEMA, but for the survivors, first responders and emergency managers after the flash flooding in Colorado – with more than 120 photos published in the aftermath of the storms.

FEMA's budget request supports continuation of this work in FY 2015.

### *Tribal Declarations and Consultation*

In FY 2013, five Presidential major disaster declarations were declared for Indian tribal governments using the new SRIA authority. Since FY 2014 and continuing in FY 2015, FEMA is investing approximately \$1 million in Salaries and Expenses to these activities, as well as targeting other efforts toward this important initiative.

To ensure we honor our partnerships with the Nation's federally recognized tribes and the sovereignty of tribal nations, FEMA is collaborating with tribes to develop a Tribal Consultation Policy that ensures FEMA is effectively engaging in regular and meaningful collaboration with our tribal partners. The policy is being developed based on discussion, input, and consultation with tribes to ensure that it addresses their concerns and reflects a government to government relationship with tribal nations.

Additionally, FEMA is starting a second round of consultation with tribal governments to develop new procedures by which Indian tribal governments can request Stafford Act declarations, reflecting some of the unique circumstances that impact tribal communities. The Agency is hosting training across the country to help tribal governments build their emergency management capability. We are also providing training on the types of Stafford Act assistance and related requirements so that tribal governments may make informed decisions on whether or not to request a Stafford Act declaration.

### *Geospatial Intelligence*

FEMA analyzed satellite and aerial imagery, as well as geospatial information, to determine what areas were inaccessible in the aftermath of Hurricane Sandy, expediting short-term rental assistance to residents that needed it most.

Currently, the Agency is also establishing the Analytics and Geospatial Tradecraft Group within the Office of Response and Recovery to ensure continued focus on this promising technology.

And lastly, FEMA's Presidential Innovation Fellow and the National Geospatial-Intelligence Agency are also jointly developing "GeoQ", a tool that crowdsources geo-tagged photos of disaster-affected areas to assess damage over large regions.

FEMA is dedicating at least \$2 million in Salaries and Expenses to Geospatial Intelligence activities.

### *Emergency Food and Shelter Program*

The Agency is proposing moving its Emergency Food and Shelter (EFS) program to the Department of Housing and Urban Development (HUD).

The FY 2015 request is consistent with previous requests and reflects a focus on FEMA's primary mission of preparing for and coordinating disaster response and recovery efforts, while

ensuring continued substantial support for the non-disaster EFS program. The budget proposes a transfer of the EFS program to HUD, as the core function of the program more closely aligns with HUD's primary mission and thus will provide the best service to citizens. This transfer will further reduce fragmentation and duplication of services among federal homeless assistance programs, addressing a challenge highlighted by the Government Accountability Office (GAO) and others.

***Strategic Priority Two: Become an Expeditionary Organization***

As part of FEMA's effort and its stated strategic priority to become an expeditionary organization, the Agency is working to develop a leaner, more agile workforce that is well-equipped, educated and trained. As part of this goal, FEMA is also working to ensure its workforce is appropriately sized, organized and distributed to rapidly mobilize, deploy and conduct missions, while being fully supported by FEMA's technology and infrastructure.

*The FEMA Qualification System*

Pursuant to the Post Katrina Emergency Reform Act, FEMA implemented the FEMA Qualification System (FQS) in the fall of 2012 as part of a multi-faceted transformation effort to ensure that the Agency's incident workforce is credentialed and qualified. FQS establishes minimum, consistent, and fair qualification requirements for all workforce positions, which FEMA employees achieve through experience, training and demonstrated performance. FEMA reviews and strengthens these qualification requirements on a periodic basis.

In support of this effort, FEMA has qualified 6,520 workforce employees in FQS positions, while around 3,000 are in a trainee status, completing training and demonstrated performance to achieve qualification. Additionally, to meet the mentoring and evaluation needs of workforce employees in a trainee status, qualified employees have received training as coach-evaluators. These coach-evaluators provide guidance and assess an employee's performance in their FQS position during deployment in support of the employee's progression toward qualification.

The FY 2015 Budget continues to support this transition through the Disaster Readiness Support (DRS) funds.

*Incident Management Assistance Teams*

FEMA also deploys National Incident Management Assistance Teams (IMATs), which provide the initial national rapid response to major incidents, disasters, special events, and exercises. The primary mission of the National IMATs is to deploy rapidly to an incident or threatened area, State, or FEMA region to work with affected States to identify and satisfy initial requirements for Federal assistance. IMATs coordinate and integrate inter-jurisdictional response in support of affected States or U.S. territories. Additionally, IMATs specialize in management and assistance for chemical, biological, radiological, nuclear, and explosives incidents. National



IMATs provide initial situational awareness for Federal decision-makers and support the initial establishment of a unified command. FEMA intends to analyze data collected through the pilot in FY15 to determine if IMAT effectiveness and efficiency are improved.

#### *FEMA Corps*

In FY 2015, FEMA also will continue to train FEMA Corps team members to respond to events nationwide. FEMA Corps is a partnership with the Corporation for National and Community Service that leverages the established AmeriCorps program. FEMA trained 1,000 members in eight specific disaster management positions in five emergency management disciplines, and deployed 90 percent within five months of availability in FY 2013.

Moving forward, FEMA anticipates using FEMA Corps to reach out to young people with the message of preparedness and how they can be a part of preparedness and response in their own communities. Funding for FEMA Corps is dependent on recruitment and split between the DRF and the DRS account.

#### ***Strategic Priority Three: Posture and Build Capability for Catastrophic Disasters***

As part of FEMA's effort and its stated strategic priority to posture and build capability for catastrophic disasters, the Administration is re-proposing the National Preparedness Grant Program (NPGP) and additional funding for NPGP in the Opportunity, Growth and Security Initiative (OGSI).

FEMA requests \$2.225 billion for State and Local Programs (SALP) in FY 2015, plus an additional \$300 million in the OGSI.

The FY 2015 NPGP will work to build and sustain core capabilities in the National Preparedness Goal, recognizing that a secure and resilient nation is one with the capabilities required, across the whole community, to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk. The NPGP draws upon and strengthens existing grants processes, procedures and structures, emphasizing the need for greater collaboration and unity among Federal, State, local, tribal and territorial partners.

#### *National Preparedness Grant Program*

NPGP proposes to maximize the impact and benefit of grants for the whole community's capacity to be prepared based on risks. The legislative language that is required to fully implement the NPGP has been transmitted with FEMA's authorizers and appropriators, and we look forward to working with Congress as these important legislative changes are considered.

The NPGP would consolidate current State/local preparedness grant programs into one comprehensive and overarching program (excluding Emergency Management Performance

Grants and Fire Grants), which eliminates redundancies and requirements for both grantees and the Federal government based on the current system of multiple individual and often disjointed grant programs.

Consistent with Presidential Policy Directive (PPD) 8 (National Preparedness), the NPGP prioritizes building and sustaining core capabilities to address high consequence events posing the greatest risk to U.S. security and resilience. The NPGP will use the THIRA (Threat and Hazard Identification) process and State Preparedness Reporting processes, to prioritize capability needs and invest in critical national capabilities. .

State, tribal, territorial and local governments would be able to prioritize their need and maximize the use of grant funds for the greatest whole community impact, with tribal governments having the ability to receive direct funding. This process, and the creation of NPGP, will also ensure that grantees have the ability to build and sustain capabilities that can be deployed not just on the local level, but on the regional and national levels as well – creating an interconnected network of local, tribal, State, regional and national capabilities to increase the security of the whole nation.

Implementing the NPGP will also improve the efficiency of the grant programs by eliminating the burden on grantees to meet often redundant mandates from multiple individual grant programs. As the subcommittee is aware, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act identified the elimination of duplicative mandates as a priority.

Ultimately, creating this program would strengthen our ability to respond to evolving threats across the United States.

With respect to value, prior and proposed Federal investments in State, territory, tribal and local preparedness capabilities through billions in Homeland Security Grants have resulted in significant national capacity to prevent, protect against, respond to and recover from all kinds of disasters and threats. Over the past ten years, Congress, through DHS, has provided State, territorial, local, and tribal governments with more than \$37.6 billion.

Examples include:

- Funds used to purchase Forward Looking Infrared Imaging for Massachusetts State Police that assisted in the capture of the Boston Marathon bombing suspect, as well as FEMA preparedness funding for full-scale, regional exercises that better prepared first responders to respond to the bombing;
- Funds used to develop and train the NYC Fire Department's Incident Management Team that was activated to support Hurricane Sandy operations, including managing homebound evacuations, providing for fire and life safety, managing tree removal and dewatering; and

- Funds for Oklahoma Task Force One, a State resource deployed in the wake of the Moore, Oklahoma tornado that conducted search and rescue operations, and for a statewide 800 MHz trunked communications system, which is used by public safety agencies throughout Oklahoma.

FEMA also administers a number of fire grants, including Staffing for Adequate Fire and Emergency Response and Assistance to Firefighters grants. These grants help first responders buy needed equipment and train and exercise, as well as recruit and retain volunteer firefighters. Applications for these grants are reviewed and approved as part of a two-step process, which includes a peer review followed by final FEMA review. With the help and guidance of the United States Fire Administration and its stakeholders, fire-related deaths in the general population declined 21 percent from 2003-2012.

#### *Opportunity, Growth and Security Initiative*

The Budget also includes a separate, fully paid for programs outlined in the OGSII. The OGSII, which will be split evenly between defense and non-defense funding, shows how additional discretionary investments in 2015 can spur economic progress, promote opportunity and strengthen national security. At FEMA, the OGSII would support: \$400 million for the Pre-Disaster Mitigation program in competitive grants to state, local and tribal governments through the Pre-Disaster Mitigation program. This, combined with the \$150 million in base funding for National Flood Insurance Program mitigation grants, represent an increase of \$425 million over the 2014 spending level. These programs provide grants for eligible mitigation planning and projects that reduce disaster losses and protect life and property from future disaster damages. This includes support for adaptation planning and pilot projects for cities and communities through hazard mitigation assistance, building on Administration efforts to implement the National Mitigation Framework. For mitigation funding provided through the Flood Insurance Program, this can include planning grants to prepare flood mitigation plans; cost-effective project grants to reduce flood losses, structure elevation, and retro-fitting of existing buildings.

The Opportunity, Growth, and Security Initiative also proposes \$300 million for the National Preparedness Grant Program to develop, sustain, and leverage State, local and tribal governments' core capabilities across the country in support of national preparedness, prevention and response.

#### ***Strategic Priority Four: Enable Disaster Risk Reduction Nationally***

As part of FEMA's effort and its stated strategic priority to enable disaster risk reduction nationally, and in addition to its mitigation programs, FEMA will leverage its partnerships, programs, and risk information and tools to catalyze whole community efforts advancing risk-based decision making across the nation. This effort will help to build community resilience through ensuring a common risk picture, better targeting of resources, and a joint/collaborative national effort to build the capabilities that will best address the identified/targeted risk areas.

Focus areas will include:

- Enabling greater risk informed decision-making by improving the quality, accessibility and use of risk information. For example: through the continued modernization of flood maps and the continued implementation of the THIRA process.
- Building the appropriate preparedness capabilities to address the identified risks through continued implementation of the National Preparedness System. For example: through the implementation of the National Mitigation Framework and National Disaster Recovery Framework, long-term disaster recovery planning, training and education, core capability development and sharing of lessons learned.
- Leading greater Federal interagency collaboration around risk reduction and resilience, building on earlier efforts such as establishment of the Mitigation Framework Leadership Group and implementing a consistent Federal flood risk standard for Federal funds in Hurricane Sandy rebuilding. For example: through the development and adoption of a Federal Flood Risk Reduction Standard under the President's Climate Action Plan of 2013.

FEMA will also strive to reduce the risk associated with flood events via the Flood Mitigation Assistance Program. As a result of the unification of the Flood Mitigation Assistance, Repetitive Flood Claims and Severe Repetitive Loss grant programs under the Flood Mitigation Assistance (FMA) Program, FEMA has been a more efficient delivery of flood-related grants to States, local and tribal communities, which has reduced future claims to NFIP. These grants provide funding to states, federally-recognized tribal governments, and communities for the reduction and elimination of the long-term risk flood damage poscs. These measures include the acquisition and demolition of flood prone structures, elevation of homes above expected flood levels and construction of minor drainage projects to reduce the impact of storms. For FMA, FEMA requests \$150 million in FY 2015, an increase in \$50 million over the FY 2014 request.

***Strategic Priority Five: Achieve Business and Management Excellence***

As part of FEMA's strategic priority to achieve business and management excellence, the Agency is undertaking several initiatives. Among them: continuing to dramatically shrink its facilities footprint to save funds and apply taxpayer money wisely to higher priorities, leading the Federal government in developing collaborative workplaces and improving security posture and resiliency, executing training curriculum and programs to ensure employee readiness to timely execute their responsibilities, and reviewing and maximizing the use of all technology spending for mission execution. Senior management intends to have a sustained focus on this priority, because we recognize that investing in our workforce, working smarter through data, streamlining business processes, and aligning strategy, budget, and execution strengthen our organizational foundation.

### *Workplace Transformation*

FEMA is transforming its physical workspace, shrinking its facilities footprint and emphasizing mobility, hoteling and telework for its employees as part of its Workplace Transformation initiative.

The Agency has begun the process of consolidating workspace while providing a better, more efficient environment for collaboration and productivity. This approach emphasizes flexible workplaces, in which our work is accomplished anywhere our team members are located, rather than in individual offices and cubicles.

Technology such as voice over internet protocol, wireless connectivity, enhanced conference bridge capabilities and boosted cellular signals will also be employed to facilitate collaboration.

The strategy includes an effort to reduce the number of office buildings FEMA leases in the National Capital Region (NCR) from eight to three, which will reduce office space by hundreds of thousands of square feet and save FEMA \$11.4 million annually by FY 2016. As the NCR transformation is completed, FEMA also intends to review its footprint at the Regional level.

### *Technology Status*

FEMA relies extensively on its information technology (IT) systems to perform its critical mission of leading America to prepare for, prevent, respond to and recover from disasters. In turn, the country relies on FEMA to continue operations during all disasters, emergencies and cyber events.

Over the past three years, several weaknesses have been identified by the DHS Office of Inspector General (OIG), including:

- FEMA systems are not integrated, do not meet user requirements, and do not provide the information technology capabilities agency personnel and its external partners need to carry out disaster response and recovery operations in a timely or effective manner;
- Collectively, IT control weaknesses limit FEMA's ability to ensure that critical financial and operational data are maintained in such a manner to ensure confidentiality, integrity, and availability; and
- The Office of the Chief Information Officer (OCIO) does not have a complete, documented inventory of its systems to support disasters.

To make its systems more resilient and reliable, the OCIO is pursuing a Cyber Security Resiliency Improvement Plan and has begun to institute numerous changes throughout FEMA. Some concerns can be addressed quickly and easily through policy updates or governance changes, while others will require additional planning, effort and the reprioritization of funding.

Short term efforts include:

- Realigning the IT Security Branch in accordance with government best practices;
- Continuing to implement the use of Personal Identity Verification (PIV) cards. While the Agency has moved from 0 percent compliance to 66 percent in a span of 3 months and met DHS's Fiscal Year 2013 goal, we are focused on even greater compliance. This effort will further harden FEMA's network and hardware against unauthorized access; and
- Altering FEMA's approach to system authorizations by incorporating program office leadership under a "Shared Accountability" model to ensure that all IT systems receive the appropriate level of vetting prior to procurement and deployment.

Once fully implemented, OCIO's short term changes should immediately strengthen and streamline FEMA's IT security oversight and control processes.

Intermediate to long-term efforts include:

- Consolidating and validating FEMA's systems inventory, which requires documenting, verifying and strengthening the security and resilience of FEMA's mission essential systems and applications;
- Reviewing, revising or developing security plans to clearly define each system's Federal Information Processing Standard (FIPS) Security Categorization and Authorization Status; and
- Maintaining and strengthening the security posture of FEMA's authorized systems, particularly in regards to mission-critical systems that will be relied upon heavily during a disaster or cyber event.

When these intermediate to long term efforts are fully implemented, FEMA's systems will have a much higher degree of reliability, availability and resiliency, even during a disaster or cyber event.

Since 2012, the OCIO has been challenged to address its aging infrastructure and declining security and resiliency posture. To confront these challenges, the office embarked on an automation modernization ("Auto-Mod") effort, resulting in the OpenFEMA and Enhanced Data Resiliency initiatives, which brought forth expanded field-use of advanced mobile computing devices in direct support of survivors, additional sharing of FEMA data with the whole community, and the strengthening of FEMA's failover capabilities for several of its mission critical systems.

In FY 2014, OCIO identified significant weaknesses in the agency's IT security posture and resiliency capabilities, leading FEMA to pursue a FEMA-wide IT resiliency and security review, which is on-going under the direct supervision of FEMA's new CIO, Adrian Gardner.

This resiliency and security review effort is multi-faceted, focusing on not only identifying and mitigating unauthorized IT systems across the FEMA Enterprise, but also strengthening the agency's IT governance processes and improving leadership's oversight of IT spending and risk allocation and acceptance. Once fully implemented, OCIO's IT governance enhancements will greatly strengthen and streamline FEMA's IT security oversight and control processes, resulting in a higher degree of reliability, availability and resiliency of FEMA's systems, particularly during a disaster or cyber event.

With the requested funding, FEMA will have the resources it needs to strengthen the Agency's IT security posture and ensure that our IT systems are the "last to fail" rather than the "first to fail" in time of need.

#### *Office of National Capitol Region Coordination*

The Office of National Capital Region Coordination (ONCRC) plays a critical role in addressing the challenges related to emergency management planning and incident response coordination unique to the NCR due to the large number of Federal departments and agencies, numerous State and local jurisdictions within the NCR. At the urging of Congress, FEMA ONCRC Acting Leadership completed extensive outreach and engagement with stakeholders to garner feedback and listen to concerns regarding the current ONCRC structure.

Using that, FEMA developed a proposed plan and has been socializing that with key stakeholders to gauge opinion and has received positive reactions.

We look forward to continuing to work with Congress as we move toward finalizing this plan and supporting the National Capital Region, while executing the \$3.4 million appropriation provided in FY 2014 and included in the FY 2015 request.

#### *Mount Weather Emergency Operations Center*

The Mount Weather Emergency Operations Center (MWEOC) is a 564-acre DHS facility 64 miles west of Washington, D.C., which provides the infrastructure necessary to support Continuity of Operations Planning, Incident Management, classified programs and other all-hazards activities.

In accordance with its Master Plan, MWEOC is in the middle of a massive infrastructure upgrade to replace antiquated buildings with modern facilities capable of supporting 21<sup>st</sup> century technology and current Federal requirements. MWEOC has improved internal financial and acquisition processes to allow more rapid use of and accountability over larger projects while maintaining operational capabilities.

The FY 2015 budget funds Mount Weather at \$33.9 million consistent with the multi-year capital improvement program, including restoration of the \$3 million FY 2014 enacted reduction.

*Resolution of Inspector General and Government Accountability Office Findings*

In FY 2013, FEMA's Audit Liaison Office (ALO) leveraged project management principles as it began its business transformation. ALO identified a strategy to improve the people, processes, and technology of the audit follow-up system. The strategy was to facilitate the full examination of all facets of the audit process and bring FEMA into full compliance with OMB Circular A-50. The ALO addressed its staffing needs, improved communication and collaboration with Audit Coordinators across the agency, and established defined processes and procedures.

As a result, ALO made the following significant progress:

- Finalized FEMA's Audit Follow-up MD (MD 077-1) "Audit Follow-up and Resolution for GAO and OIG Audits;"
- Ensured training was developed and provided for ALO Portfolio Managers, Audit Coordinators, and subject matter experts; and
- Implemented frequent Data Integrity checks (focused on key data elements) to ensure accuracy of the audit repository (EMS Engagement Manager) and audit status reporting.

As a result of this new strategy, there was heightened awareness of audit follow-up across the agency, which led to an increased number of corrective measures taken and the close out 731 audit recommendations in FY 2013.

That work will continue in FY 2015 with the support of FEMA's budget request, as the ALO continues to implement its transformation strategy to extend audit response activities to FEMA Regions.

ALO's goals for FY 2015 include:

- Improving regional oversight of subgrantees to reduce instances of disallowable costs;
- Developing an addendum to the SOP on disallowed cost; and
- Implementing FEMA's new audit tracker and audit protocol.

*Creating a Smarter, More Data-Driven Agency: FEMAStat and OpenFEMA*

In a time of growing challenges and fiscal constraint, FEMA is working to advance a culture that better fosters improvement, innovation, invention, and learning, both within the Agency and across the broader emergency management community. As an Agency, FEMA is focused on developing our organizational capacity to encourage new ideas, learn from past experience, rapidly orient and apply that learning in current contexts, and quickly adapt to changing conditions. Through innovative efforts at all levels of the organization, we are working to expand our efforts to bring together leading entrepreneurs, technologists, academics, stakeholders and subject matter experts from diverse fields to offer fresh perspectives and new approaches that will better allow FEMA and our partner organizations to achieve critical



emergency management outcomes. Innovation and learning are the essential tools that allow us to be forward leaning and embrace more effective processes that will lead to better mission outcomes while still living within our means.

FEMA has several programs and initiatives that help the Agency accomplish these goals, including FEMASat and OpenFEMA.

FEMASat is a systematic commitment to be smart in everything the Agency does by gathering information that makes more data-driven decisions possible.

To accomplish these goals, the FEMASat team produces an ongoing series of data-driven reviews, where FEMA's senior leadership evaluates performance against objectives, identifies barriers to success, agrees on actions to eliminate those barriers and holds individuals accountable for implementation.

FEMASat has contributed to improvements in the following areas:

- GAO/OIG Recommendations: After a productive FEMASat meeting focusing on Recovery in 2011, the FEMASat team suggested changes to the way that FEMA tracks and reports recommendations for all components. Since then, FEMA has been ensuring Senior Leader awareness of progress and in 2012 and 2013 closed out 1,368 recommendations.
- Continuous Improvement Working Group (CIWG): In 2012, FEMASAT performed an Agency-wide analysis to identify existing tracking mechanisms and found numerous areas for improvement. In February 2013, FEMA established the CIWG to review, validate, assign, track, share and report on improvement actions that require coordination across components or have Agency-wide implications. The group is currently monitoring and ensuring the completion of Hurricane Sandy after action items.
- National Processing Servicing Centers (NPSCs): FEMASat has held three sessions focused on the NPSCs, all of which are focused on improving the survivor experience:
  - The first session ensured that Senior Leadership is aware of the extent to which the NPSCs make up a significant part of FEMA's recovery operation.
  - The second session looked at call volume and highlighted challenges in surging to meet volumes for Level 1 events.
  - The third session evaluated a new strategy to surge staff, maximize the utility of staff when call volume is low and planned technology investments to improve efficiency.

The long-term goal of the project is to not only build analytical capacity within FEMA, but also to continue to instill a culture of data-driven decision making that leads to the best possible outcomes. Currently, and continuing in FY 2015, FEMA proposes to dedicate two full-time employees to this endeavor, an investment of approximately \$250,000 annually.

OpenFEMA is an initiative that provides approved relevant data for stakeholders to leverage in value-added ways. Specifically, it works to promote a culture of openness within the Agency and to build public trust among the whole community through increased transparency, participation and collaboration. The FY 2015 Salaries and Expenses investment for this initiative is approximately \$750,000.

### **Looking Forward**

In 2010, FEMA launched the Strategic Foresight Initiative (SFI), a transformative, community-wide effort to advance knowledge of trends and drivers of change that promotes broader, longer-term thinking about the future of emergency management and plans to continue this work in FY 2015.

SFI engages a diverse network of individuals from across the United States and the international community – from government partners to non-profits, businesses and individuals – to build an emergency management community that is coalesced around meeting our shared goals and that is ready for whatever challenges the future may hold.

In the coming years, FEMA will work to move this larger emergency management community forward through greater engagement, sharing SFI success stories and best practices and by providing tools for them to conduct their own SFI workshops and future planning.

FEMA will also continue to institutionalize SFI within the Agency, further developing SFI into an analytical decision tool that supports strategy formulation at the enterprise level and strategy implementation within FEMA's Regions.

### **Conclusion**

The FY 2015 President's Budget provides the level of resources required to support the Agency's ability to fulfill its emergency management mission. The budget lays out a plan that effectively manages, efficiently uses and maximizes the impact of our resources, while helping to ensure the nation's resilience to disasters. The request continues to streamline current business processes and harnesses the use of innovative technologies. The budget also shows a commitment to learning from each disaster and evolving our plans and processes to better serve survivors – our ultimate stakeholders – and meet the needs of the whole community.

We look forward to continuing to work with the Subcommittee to ensure that our nation is even more prepared and resilient moving forward.

## WILDFIRE SUPPRESSION: FUNDING

Mr. CARTER. We do strive for regular order here. It is sometimes difficult, but we are pretty happy about what happened last year.

Okay. My first question: Several bills have been introduced in recent months regarding how we fund wildfire suppression. There are some suggesting that we use current disaster cap adjustments to fund firefighting and others suggesting that FEMA fund fire-suppression efforts.

Can you address what FEMA can and can't do under existing authorities? And where is the line between Federal and State responsibilities?

Mr. Administrator, we like solutions instead of people just stating problems. What do you see as the solution to this costly issue?

Mr. FUGATE. Well, when we talk about wildfires, we break them into two distinct categories: those that occur on Federal lands, which are the responsibility of the Federal Government—and these are traditionally those budgets for the Department of Interior and U.S. Department of Agriculture to fight those fires.

And we also look at the fires that occur on State and private lands. And FEMA does have a program under the Disaster Relief Fund (DRF) to administer those, we call those Fire Management Assistance Grants, when fires exceed the capabilities and the financial thresholds that are established for States. They have responsibility for an average wildfire season, but when it is an extraordinary season, just like we do for other disasters, we provide matching funds for them to respond and do mitigation in those disasters.

The challenge has been—because the DRF is set up as a unique instrument to fund disasters, within the Federal wildfire community, they have another funding mechanism of the FLAME (Federal Land Assistance, Management, and Enhancement) Act. But the challenge has been when that FLAME Act has exhausted its funds, and because they are not able to go above their top line in the budget, they end up having to take money out of existing programs that would have mitigated or managed the forest and hopefully reduced future fire loss. So they are oftentimes, in fighting these extraordinary wildfire seasons, having to cannibalize their budgets to fight the fires instead of maintaining the health of the forest. So we end up oftentimes paying twice.

What if we could provide a steady source of funding for wildland firefighting, and understand that it is going to vary wildly year to year, just like we know other disasters do, so that they have the ability to fund the wildfire activities without having to go into their base budget and take away from their maintenance and preventions?

So we look at this separation of the DRF focused on the wildland firefighting in the communities and the States and the Federal wildfire activities and the funds they need. And oftentimes these fires are occurring simultaneously, where we have Federal wildland firefighters and State and locals fighting the same fire, but the funding is based upon which geographical area you have responsibility.

So we very much support this idea that the FLAME Act be budgeted in such a way that, just like the DRF, it would not have a year end; it would be continuous funding. And it would allow some variability between the severity of wildfire seasons without it necessarily threatening the top line of the budget for those existing agencies.

Mr. CARTER. So you think the fix is in the FIRE Act?

Mr. FUGATE. Again, I look at the FIRE Act, because it is focused on the Federal firefighting mission, that just as you recognize with the DRF as an appropriator, it is oftentimes difficult to balance the Sandys and other storms in those type of budget environments with your top-line budget. So if we were trying to fund Sandy in the top line, it would literally cause huge disruptions throughout the budgeting process.

But because of the budget stabilization agreement where it is above the top line and there is an agreement on how high that can go, it gives the flexibility to absorb a disaster like a Sandy without it necessarily getting into the day-to-day operation of your various agencies you are responsible for.

Configuring the FLAME Act similarly, I think, would give that stability to have the funds available and the cap to deal with the catastrophic fire seasons but also give some certainty to the budget process for the day-to-day operations of the U.S. Forest Service and Department of Interior.

#### HURRICANE SANDY RECOVERY

Mr. CARTER. Okay. Thank you.

That kind of leads into the next question I have. Since Sandy struck the east coast in October of 2012, FEMA has been working tirelessly to help the New York and New Jersey area recover from the devastating impact of the hurricane and the associated flooding, spending in excess of \$7.2 billion to date to facilitate these efforts.

How is the recovery progressing, and what are the long poles in the tent? What steps has FEMA taken to address corrective actions identified in the Sandy After-Action Report from this past July?

While in New York last year, we visited several hospitals and schools that were severely impacted. What is the status of getting the hospitals fully operational and mitigated against future threats? And what about the schools in the impacted areas?

Mr. FUGATE. Mr. Chairman, for the record, I would like to submit to you an update on all those items. But, in general, we are utilizing the tools that you gave us, not only in the supplemental but also in the Sandy Recovery Improvement Act, to speed up the process of funding some of these large, complex projects.

We are still, in many cases, actively paying for recovery operations and rebuilding from Katrina, and we didn't want to repeat that. So we wanted to, and you provided us the tools to begin upfront funding of some of these large, complex projects so we can complete the funding at the beginning of a project rather than waiting for the life's end of the project and all of the costs associated with managing that. We have some very large projects that are nearing completion that will take advantage of that, but it also is the ability of the DRF to support those activities.

So I will provide in writing a list and update of those, but I think we are making good progress on getting these projects approved.  
[The information follows:]

Sandy Recovery

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**Administrator Fugate:**

The majority of the applicants are in the final stages of coming to a grant agreement which signifies agreement on disaster related damages, scope of work, and the costs associated with that scope of work. There is currently no long pole in the tent. Everything is proceeding on track.

FEMA's goal is to provide clear and concise information to disaster survivors to ensure that the recovery process is as efficient and effective as possible in the future. FEMA's Public Assistance (PA) Program has taken steps related to the Alternative Pilot Procedures Program, staffing, mission assignments, and determination memos to address corrective actions identified in the July 2013 Hurricane Sandy FEMA After-Action Report. For example, the PA Program is gradually reducing the number of contractors by hiring Cadre of On-Call Response/Recovery Employees (CORE) and also hired COREs to fill mid to upper level management positions, such as Task Force Lead.

As for the hospitals, FEMA and its partners have made significant progress. The responsible parties like the Health and Hospitals Corporation that are responsible for Bellevue, Coney Island, Cohler Goldwater, and NYU Medical Center are close to completing their recovery grants, which will include substantial mitigation funding to ensure medical facilities will not experience similar damages in a like event. This is a top priority, and FEMA is committed to continuing to work with its partners to maximize the mitigation effort.

FEMA is also working with all responsible parties to accomplish the same objective of maximizing mitigation funding to ensure that schools are not subjected to similar damage in future events.

Mr. FUGATE. You hit one key area, though, that we are really focused on, and that is mitigation. When we deal with these structures, I want to make sure we build them not just for what happened but to make the investment so that we are not having to come back again for the next disaster.

So we are spending a little bit more time making sure that we are not just mitigating oftentimes on the basis of past history or past events but really are looking at what is the likelihood of events that could disrupt this facility and making decisions about the function it provides, less about what maybe just the building cost would be.

Mr. CARTER. Mr. Price.

#### NATIONAL PREPAREDNESS GRANT PROGRAM: STRUCTURE

Mr. PRICE. Thank you, Mr. Chairman.

Administrator, I want to thank you for the statement you just made about the appropriations process. I think it is not only appropriate but very helpful in the political context in which we are operating here.

I think you will find on this subcommittee, on both sides of the aisle, very strong believers in that appropriations process. We believe that no matter who the President is or what the party division is that appropriations is the key congressional function. It is right there in the Constitution, and historically it has proved to be so, that the power of the purse is the key power that we hold.

And that power is most effectively exercised when it isn't overrun by partisanship and ideology but where there is a cooperative process here and a determination to hold the Executive accountable and to work with agency heads like yourself in understanding our needs, understanding the kind of budget that we should be writing for the public's benefit.

So that is the process that we are hoping to bring back, because it has not fared well in recent years. Our House has become much more divided, in partisan terms much more polarized, and there have been some real costs for that. I mean, not only is bipartisanship more difficult on bills that have formerly been bipartisan, but it has also almost made appropriations impossible. I mean, we had a budget last year that we literally could not write bills to because it was an ideological budget written with no eye to political reality. So appropriations broke down in the face of that.

So now we have a budget agreement. The budget agreement avoids sequestration, avoids the unrealistic funding levels of sequestration. It avoids another government shutdown. Now, the funding levels are inadequate, in many cases, especially for the major domestic bills. And, ironically, the main drivers of the deficit, namely tax expenditures and entitlement spending, are still not addressed. But, still, this budget agreement gives us 18 months of a respite from this lurching from crisis to crisis.

And that is what you are talking about, as I understand you, here this morning. It is good to have that 18 months of relative normalcy. You have helped us appreciate from your standpoint the importance of that, and I hope we can deliver on that and can deliver a bill this year, even though it won't be to everyone's liking,

will still give some degree of certainty and let you plan and let you execute your job the way you need to do.

You are again proposing to establish a National Preparedness Grant Program, which would take the place of four programs: the State Homeland Security Grant Program, the Urban Areas Security Initiative, the port program, and the rail and transit program.

As I said in my opening statement, I want to give you a chance to elaborate on the structure and rationale of that proposal. It appears to focus more on cross-jurisdictional efforts, to indeed require cross-jurisdictional efforts, to address the full range of homeland security requirements. But you can think of many regions with multiple players, like New York City or Washington, DC, and I wonder how you think the way disasters are planned for and handled in those areas, areas like that, would be changing or evolving under this NPGP structure.

Have changes been made in the structure? You have been proposing this, of course, for some time. Have you responded in some ways to the criticisms and concerns expressed by stakeholders?

Were the NPGP to be authorized and funded, do you think we would see a significantly different balance of investments as we have seen under the currently funded preparedness grant programs? After all, those programs are there for a purpose. They are to focus on ports, to focus on rail and transit, to give a minimum allocation to each State to deal with security issues, and then to have a highly targeted effort aimed at these urban areas. Those aren't all the same thing. And to consolidate them, what difference is it going to make in terms of how we fund programs and the activities that are supported by funding?

That is probably enough in the way of leading questions to let you elaborate on the rationale for this proposal.

Mr. FUGATE. Thank you, Congressman Price.

The efforts to consolidate the grants into one and to administer the grants through the States, it goes back to, again, our Constitution divided the powers between the Federal Government, the State, and the people. And one of the challenges as a State person, the urban security areas were not originally part of the Homeland Security funding after 9/11; they were created afterward.

And as a State—I have worked at the local, State, and Federal Government now. When you fund the municipalities directly, those municipalities derive all of their authorities, all of their powers and their existence from the State constitution, and each State constitution is different. And who and how and where powers are applied, and the authorities of the Governor, the authority of local officials varies. In the State of Texas, county judges are chief executives and have very strong powers, in some cases equal to or greater than the Governor's powers. That is determined by the State of Texas Constitution.

When we go directly to cities and we fund the cities, we are bypassing the State constitution authorities. And the basis of this has always been those events that we would much rather focus on preventing, and, if we can't prevent, they would be so catastrophic as a Nation so we have to have the capability to respond to them. But that response model is based upon the State constitution powers and authorities. And what we have said is, bringing these grants



together will not take money away from jurisdictions, but will focus on how that State and the local communities need to be one team. When you fund them individually, we are not going to have a team that we would have if we fund together.

Some States have been much more successful in building that capability, but I wanted to focus on what are the needs of the Nation, what are the threats to the Nation as a whole, how best to identify those capabilities, and where do we have shortfalls, and how do we prioritize those. This is not to take money away from ports or transit; this is not to take money away from cities.

In fact, I would like to see and want to work with the authorizers to add strength to a collaborative process where no one part of the State or local or any other group is not part of the decision-making process. But I also want to recognize that each State's constitution is different. How they are organized and the powers they have are different.

And, again, we have preexisting and longstanding challenges, from the city hall to the courthouse to the statehouse. But when a disaster strikes, it will be under that State constitution, those authorities, in how that response will be carried out. And if that disaster exceeds the capability of that single jurisdiction, the rest of that State, the neighboring States, the Federal Government, and as a nation, we have to be prepared to respond.

So the proposal to consolidate is not about taking away funding from anybody. It is about focusing on the existing structures that you would have to utilize in these types of responses.

Mr. PRICE. Mr. Chairman, I know my time has expired. We will return to this. Thank you.

Mr. CARTER. Okay. Thank you.

I promised Mr. Kingston—he has a conflict. He came in to talk about it earlier.

Mr. Kingston.

#### AFFORDABILITY STUDY

Mr. KINGSTON. Thank you very much, Mr. Chairman.

And, Mr. Director, it is with great pleasure that he jumps over Tom Latham to give time to me.

But I was here, Mr. Latham. I just wanted—and all the other committee members.

I represent the entire coast of Georgia, and, as you know, coastal regions have had a lot of heartache about bigger waters. And one of the big concerns was that FEMA bypassed a study before implementing it in its former form, the feasibility study, and we have been told because FEMA didn't have the money. But when that became the case, what was done to signal that red flag?

Mr. FUGATE. Well, first of all, when you read the statute, there is no linkage between the affordability study and moving toward actuarially sound rates. They were not coupled. Normally, you would have legislation that said, you will do an affordability study, and then from that you will perform certain tasks. This was actually written as a separate section; it was not coupled to.

The statute actually required us, particularly for businesses and secondary homes, to eliminate the subsidies and phase those out in a very short period of time and to begin the same thing for perma-

nent residents when there was a change, whether you sold it or you had a map change. And those were very specific line items in the statute that weren't coupled to the affordability study.

The affordability study also is unique, in that it had a cap on the amount of funding that was permitted, which dictated what you could do to the degree of how much you are funding, which is not uncommon. But in this case, by not having a feasibility of what a study would require and then putting a budget cap on it, when we went to the National Academy to begin talking about doing an affordability study, their immediate response back was, based upon your funding and timelines, we cannot do that study. We reported back to the committee staff, that on the basis of that initial amount of funding, as we approached National Academies, they did not feel they could complete that study in time.

So—

Mr. KINGSTON. Let me move on with a little—but there is similar language in the current rewrite. Is that sufficient? Are you saying that is decoupled also? Or what about the current?

Mr. FUGATE. The current actually was based upon our input. And I think this is a funding amount that, based upon our discussion with National Academies, will begin the study and hopefully provide us the tools. But, again, this time we had more input into that process and bringing back what we had found and what a study would require and the timeframes. And so we think that what is in the language is what we will need to be able to do that job.

Mr. KINGSTON. Okay.

And a question in terms of the actuarial soundness of it. How confident are you that the actuarial rates are really sound and credible?

Because in our coastal area of Georgia we have had very little flooding. In fact, I don't remember in my lifetime—and, by the way, I have an insurance background, so it was something I would be aware of prior to coming here. But we have had a number of floods on riverside property in the interior of the State and elsewhere around the country.

And so the concept of a 100-year flood map seems arbitrary to me. Why not an 80-year? Why not a 103-year? And so, to me, representing homeowners on the coast who haven't had a flood and they are looking 200 miles away at somebody who has a house by a river that has had two or three floods, but one is paying the high rate.

Mr. FUGATE. Well, my question would be, if their risk is not that bad, why won't the commercial sector write that policy? Why does the Federal Government have to?

I would also go back to your hurricane history. The Sea Islands and Jekyll Island, in particular, have been very fortunate that throughout most of the 20th and 21st century you have only been brushed or not had direct hits. You go back into the late 1880s, that area is devastated.

And one of the challenges with coastal is you don't tend to have as many frequent events but the events you do have tend to be very large and produce the very large numbers of policies being claimed.

So the 1 percent risk, again, is a 1 percent per annum, not over a 100-year period. It is the risk that we set that said, once your risk is at 1 percent, it would no longer be a preferred risk that you would have if you were elevated. And, again, in these coastal communities, you know the homes are very high up. If you are 1 foot above base flood elevation, you are still getting the preferred risk. It is when you are not built to the elevations and you are below that that the risk increases.

But my challenge has been, as much as we fault this program, the reason there is a program is because the private sector will not put capital in the flood zones. And even though there haven't been frequent events, I still question, if it is not a high risk, why doesn't the private sector offer competitive-priced insurance?

Mr. KINGSTON. Well, my experience with the property companies is that they will cede any risk possible if they are socially able to do so. You know, a case in point, during the 1970s, when there were riots and they were redlining certain properties in the inner city, there was a big social pushback to say, no, you can't do that. And then they actually stayed in there, and their presence helped underwrite burglar alarms and so forth, just as their presence here could actually help underwrite better structure, better building, and so forth.

So, in my opinion, the State governments, which, as you know, are the primary regulator, have given these insurance companies maybe too quick of a pass. And when we talk about floods, going back to the 1890s, insurance still is, despite all the science, it is still a gamble.

And it would appear to me, if you pushed them, you need to get in there and have a certain percentage of the coastal business if you are going to write property and casualty insurance in a State—and I think that we could push that side of it a little more. But the end results would be, I think, better structures and probably better actuarial tables.

Mr. FUGATE. I agree. My experience has been capital-type approaches. Using a capitalist approach does a much better job of managing this type of a risk than using a Federal program that is trying to, not with the financial tools that you would have in the private sector, manage a sole risk and only manage the highest risk of those types of properties. I think capitalist systems actually do a better job of pricing risk appropriately so we build and grow our communities in ways that are sustainable.

Mr. KINGSTON. Well, thank you, Mr. Chairman, Mr. Director.

Mr. CARTER. Mr. Cuellar.

#### PERFORMANCE MEASURES

Mr. CUELLAR. Chairman, thank you. Thank you and the ranking member for holding this meeting.

Mr. Fugate, it is always good to see you. And, again, I appreciate your State experience, coming up here to Washington, and appreciate what your men and women do.

A couple things. One, just to direct your attention that under the last appropriation bill, this omnibus bill that we passed, appropriation bill, we added language for the first time that links your performance measures to your funding request. As you know, in Flor-

ida, you all have been doing that for a long time—Texas and other places.

So one is I direct your attention to that particular provision, number one, where they focus on the performance measures that should examine outcome measures, output measures, efficiency measures, and customer services, as all defined under the GPRA law that we passed in 2010. I have looked at your performance measures, and I think, out of some of the other agencies under Homeland, you all do pretty good. But I would still ask you to categorize them under that area.

And one example, also, is there was a GAO report that came out in June of 2013, and they focused on the performance measures of the Federal grants to State and local governments. I think in 2010 we had \$545 billion, and it would provide \$545 billion. How do you measure the effectiveness, the efficiency, et cetera, the outcome measures from the \$545 billion that we gave to the States and to the local governments?

So I would ask you to address that issue.

The second issue I would ask you is the ongoing issue of flood mapping and revising flood maps. And, specifically, I know I had called your office on the Laredo area. I hate to be so local, but I am asking because they have talked to me about it.

So I would ask you, one, on the performance measures and specifically the issue of the \$545 billion on State grants, and, of course, the mapping issue. And you don't need to answer that on the Laredo area, but if you can have your staff specifically give us a one-two-three of how we start addressing that issue at the Laredo area.

Mr. FUGATE. Yes, sir. We will have our flood mitigation administrator get back with you on that.

[The information follows:]

#### LAREDO FLOOD MAP ISSUE

Congressman CUELLAR. The second issue I would ask you is the ongoing issue of flood mapping and revising flood maps. And, specifically, I know I had called your office on the Laredo area . . . if you can have your staff specifically give us a one-two-three of how we start addressing that issue at the Laredo area.

Administrator FUGATE. Flood zone designations on flood maps may be established or revised when new and more accurate information becomes available as a result of a FEMA-contracted restudy or by when a community makes the information available to FEMA. FEMA ranks and prioritizes flood study update needs each fiscal year. Several factors influence the frequency in which FEMA may restudy a particular area, such as the extent of new development and the completion of flood-control projects.

Community officials may submit scientific or technical data to FEMA at any time to support a flood map revision. Following a review of the community's map revision request and supporting data, FEMA will revise the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report, if appropriate, by issuing a Letter of Map Revision (LOMR) or by republishing these mapping products through the Physical Map Revision (PMR) process. FEMA generally issues LOMRs within 90 days of the date all required data are received, and most LOMRs will be effective within 120 days of the date they are issued. Built into these timelines are the requisite notice, comment and appeal periods.

In accordance with this process, FEMA issued a LOMR on February 19, 2014, for the Laredo area to reflect newly available topographic data. The effective date for the LOMR is July 3, 2014.

Mr. FUGATE. We have spent a lot of money as a Nation on terrorist preparedness, prevention. We have been working—in fact, it

is a little bit late, but we are still going through our clearance process, our national preparedness report.

And I remember when I first met with you in the first hearings, you were very much wanting to draw: We are investing; what are we getting? Is it the right things? Is it being maintained? Is it effective? Are there things we are funding that we shouldn't be funding? We have been working diligently to take that guidance and tie that back to national capabilities.

We first had to start out with asking the question, what do we have to respond to? Because if you don't have the top benchmark, you are hoping you build up to what could happen. So we have looked at a lot of scenarios, and we basically came up with what is the maximum credible threat this Nation faces. In fact, the President talked about it in his trip to Europe: an improvised nuclear device detonated in a major metropolitan area, with the associated fatalities, injuries, and the catastrophic damages, not only to the community but also to strategic impacts to the Nation—financial centers, commerce, transportation, other avenues that could be affected by that.

And so we are using these very large, complex scenarios to drive: What have we built with the funds? Where are the gaps? And what do we need to maintain to be able to address these catastrophic threats to the Nation?

So out of that 31 capabilities, where we map that now back to the investment strategies—and, again, part of the consolidation of the grants into one grant versus being bifurcated into different grants is to better drive that agenda of making sure we are investing in not just what jurisdictions have identified as their needs and not taking away from that, but also making sure we are making investments for the national preparedness and capability response, as well as remembering that the key part of all this is prevention.

To have an attack occur oftentimes is, you know, unthinkable that we would have to respond to that. So the focus on things like fusion centers and better tools to allow law enforcement to stop or identify or deter threats, both those that are domestically generated as well as foreign, are keys to being able to make sure we can respond to the threats daily.

Mr. CUELLAR. So, Mr. Chairman—and I am going to yield back some of my time, Mr. Chairman, but I do have to say this: that we are hoping if I can work with the chairman and the ranking member on some language to further make sure we focus on those measures of the output, outcome, performance, and customer service.

Members, I don't know if you have had an opportunity to look at the performance.gov. And of all the agencies under the Homeland, I would venture to say that Mr. Fugate and his people probably have the best performance measures, where they are more results oriented.

Mr. Chairman and Ranking Member, if you remember this point, under terrorism, we spent billions of dollars on terrorism. And their number-one measure is, are you satisfied with the intelligence report that we give by our stakeholders? Instead of saying, how many terrorist acts did we stop? I mean, that is the—but they have gone off on that.

But I would venture to say that, of all the agencies under Homeland, this gentleman and his staff probably have done the better job on that. We still have to do a little bit more, and we will be happy to work with you as a committee, but I have to say they have done a good job.

Thank you, Mr. Fugate.

I yield back the balance of my time, Mr. Chairman.

Mr. CARTER. Mr. Latham.

#### DISASTER ASSISTANCE: IOWA

Mr. LATHAM. Thank you very much, Mr. Chairman.

And welcome, Mr. Fugate. I would echo, I think, the fact that you have done a great job, and we appreciate your efforts. And your agency, your department is there in a time of a lot of people and a very, very—have great needs, and your ability to respond is extremely important.

It is not without some problems, obviously. One of those goes back to 4 days in April of 2013. We had severe ice storms in Iowa and elsewhere in the Midwest, and it caused millions of dollars of damage to the electric utility lines. Project worksheets were prepared for emergency and permanent repairs. The worksheets were prepared under the guidelines in the FEMA Electric Utility Repair Fact Sheet for Public and Private Nonprofit Entities. That is quite a title for a—anyway. That is the guidelines.

Its applicants were denied disaster assistance based on concerns related to the so-called comprehensive laboratory testing. In December of 2013, the denial was appealed. And according to knowledgeable officials, the lab testing in this situation would be harmful to the system's integrity and would have significantly impacted the rates that citizens in rural areas pay for their electricity.

The requested disaster assistance in this instance pertains to damages that are nearly identical—and this is very important—caused in other States by the same ice storms, and yet the Iowa utilities are being asked to provide material that appeared not to be relevant or necessary and in unusually large volumes. And I think their one submission was 10,000 pages, and there is more to come.

Can you tell me why this is the case, why Iowa is being treated different? If you cannot and you need to go back and review the matter, I would like a substantive justification provided for this record, and I also want a separate justification for my office.

In your response, I would also like to know how the treatment of Iowa claims by FEMA compares to other States' treatment in their almost identical damage claims. Or, in other words, I want to know what the policy requirements for assistance are being interpreted—if they are being interpreted in the same fashion across different regions.

I would also caution you in your response that we already have some pretty good information from other States as to how they are being treated.

Mr. FUGATE. I do know of the situation. The Governor brought it to my attention at the Governors' meeting with the President. I do know it is under appeal. Beth Freeman, who is our regional administrator, has this. As we go through the appeal process, she will

be the initial determination there. And I would agree with you; I would like to make sure that we are consistent in our findings.

I also, you know, do have the due diligence requirement to make sure that we are dealing with those funds that are appropriate, that are caused by the storm, and reimburse those damages. If it is eligible, my process has always been it is eligible. I don't try to look at how to use the system to reduce cost. I find that is not productive, and that is not what you designed the system for. So we have the responsibility to do due diligence.

I can't speak to the specifics, because I have not seen this appeal. I know that it is with the regional administrator. We will provide responses back to you as we are putting that information in a timely fashion.

But I would agree with you that if we are not treating those electrical co-ops equally as other jurisdictions are treated, that is a cause of concern and we will address that. But as the appeal process is going through, I would not be able to prejudge that, as I have not been given that information. It is with the regional administrator.

Mr. LATHAM. Okay.

I would also like your response to include assurances that FEMA did not change policy without adequate notification and public input according to the Stafford Act.

[The information follows:]

PA—Electric Utilities Repair in Iowa

**Congressman Latham:** One of those goes back to 4 days in April of 2013. We had severe ice storms in Iowa and elsewhere in the Midwest, and it caused millions of dollars of damage to the electric utility lines. Project worksheets were prepared for emergency and permanent repairs. The worksheets were prepared under the guidelines in the FEMA Electric Utility Repair Fact Sheet for Public and Private Nonprofit Entities...Its applicants were denied disaster assistance based on concerns related to the so-called comprehensive laboratory testing. In December of 2013, the denial was appealed. And according to knowledgeable officials, the lab testing in this situation would be harmful to the system's integrity and would have significantly impacted the rates that citizens in rural areas pay for their electricity. The requested disaster assistance in this instance pertains to damages that are nearly identical--and this is very important--caused in other States by the same ice storms, and yet the Iowa utilities are being asked to provide material that appeared not to be relevant or necessary and in unusually large volumes. And I think their one submission was 10,000 pages, and there is more to come.

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I would also like your response to include assurances that FEMA did not change policy without adequate notification and public input according to the Stafford Act.

And, finally, I just have to tell you, there is some concern on the part of those who are dealing with this situation in Iowa that a temporary FEMA employee or FEMA contractor, whichever it is, is handling the Iowa portion of the workload from this ice storm and that the individual has been, apparently, very, very difficult to work with. And I hope that is not the case, but I want you to look into it sooner rather than later and report back to me your findings, and not in just a pro forma manner, if you would.

**Administrator Fugate:**

FEMA's Disaster Assistance Fact Sheet DAP9580.6 Electric Utility Repair, dated September 22, 2009, remains in effect and has not changed. FEMA issues policies and guidance



documents, such as this one, in order to promote consistency in administration of the Public Assistance program.

In reference to the appeal, FEMA Region VII is actively working on this matter as part of the first appeal process outlined in Title 44 Code of Federal Regulations (CFR) 206.206. FEMA Region VII held an Alternative Dispute Resolution facilitated discussion with the Rural Electrical Cooperative Applicants on February 13, 2014. Following that meeting, FEMA Region VII issued a Request for Information (RFI) on March 5, 2014. On March 27, 2014, the Applicants requested an extension to respond to the RFI. FEMA Region VII granted the request and extended the deadline to submit a response until April 30, 2014. FEMA Region VII will consider the Applicants' RFI submissions as well as any other information contained in the existing record as part of its decision making process. FEMA Region VII will issue a response to the first appeals within 90 days of receipt of the RFI responses. Should an adverse decision be issued on first appeal, the Applicants would have the right to pursue a second appeal pursuant to 44 CFR 206.206. Some of the Applicants would have the alternative option to pursue arbitration under FEMA's Dispute Resolution Pilot Program pursuant to 44 C.F.R. 206.210.

Mr. LATHAM. And, finally, I just have to tell you, there is some concern on the part of those who are dealing with this situation in Iowa that a temporary FEMA employee or FEMA contractor, whichever it is, is handling the Iowa portion of the workload from this ice storm and that the individual has been, apparently, very, very difficult to work with. And I hope that is not the case, but I want you to look into it sooner rather than later and report back to me your findings, and not in just a pro forma manner, if you would.

Mr. FUGATE. Will do, Congressman.

Again, my responsibility to the taxpayers, if it is eligible, it is eligible. But I also want to make sure that what we approve does not result in de-obligations later. And your State has unfortunately seen where the IGs come in and found potential cause for de-obligations. I want to get the right answer the first time.

And I think this one got off track. So I have a lot of confidence in Beth Freeman, my regional administrator, to address this, and we will respond back to you. And if we do find there is cause here, we will take action.

Mr. LATHAM. Okay. Well, there is obviously a real concern that right across the State lines they are being treated entirely different than what they are in Iowa. And that is pretty clear.

Okay. Thank you, Mr. Chairman.

Mr. CARTER. Mr. Owens.

#### DISASTER RESPONSE: TECHNOLOGY

Mr. OWENS. Thank you, Mr. Chairman.

Thank you, Mr. Fugate, for coming today.

I would like to direct your attention to page 12 of your written testimony, in particular the area that deals with the recommendations of the OIG regarding your technology structure. One of the things that concerns me is that it says you do not have, in effect, the systems in place that allow you to assess your inventory and, in effect, respond to disasters in as timely a manner as you might like.

Is that an accurate portrayal, in your view?

Mr. FUGATE. The technology does not keep us from doing that. The technology, though, does not keep up with us, in some cases.

The technology has never delayed our response. We put our stuff on the road and move quickly. What we are looking at is, how do you manage, and particularly the more large-scale disasters, of keeping track of everything and having more resolution on product. What this would really do is help us have to send fewer things. In many cases, we are overresponding because we don't have the fidelity to be able to do a just-in-time system.

And to be quite honest with you, in the initial response to a disaster, we are always going to push heavier than even what the systems may suggest, because in disasters the fluid and the ability to make quick decisions are time-based, and if you are not moving, you are not there.

But the systems are really designed to help us better manage that once we reach a stable point to ensure that we are not doing what we saw in previous disasters, where weeks into it we are still

ordering stuff and building up huge inventories that are no longer needed, that we can better tie consumption rate to delivery rates.

So, in the initial response, that is not the issue. Where it really is is after 3 or 4 days and we now see consumption coming down, we want to be able to make sure that, okay, well, we are cutting orders, we are not bringing in more stuff. And having that ability to manage that once we are stable is where I really want to drive cost savings. Because I think, once we are stable, we have to have a better feedback. If we see consumption dropping on things, why are we still ordering stuff week 2 like we were day 1? There is an entire difference.

So it is not that it delays us, but it doesn't give us the fidelity to tie in consumption once we get to a stable point in the disaster and begin slowing down or stopping additional supplies coming in, additional purchasing, and having a better feedback with us faster to gearing down once we reach that stability.

But the technology itself, although it is an important tool, we use a lot of times brute force to get things moving and will not use it as an impediment to respond.

Mr. OWENS. It sounds like it is potentially a software issue. In other words, as you are getting data, as the data is changing, you can't upload the data quickly enough to give the decision-makers the ability to analyze the data?

Mr. FUGATE. I wouldn't even say—again, a lot of people start with software. I am still working on making sure that we have the process in place, that once we have that process, the software can be designed to support that.

So we have different systems: one piece that is tracking inventory. We have another software where we are actually placing our orders and tracking that. But oftentimes the consumption in the field, what is actually being handed out—you know, when you deal with major corporations that have permanent footprints and they know where their stores are and they know their customers, they can tell you when you take one bottle of water out of that store that they need to ship one bottle of water. That doesn't exist in a disaster, and we are not trying to build that.

But what we are trying to do is make sure that we have better resolution on things moving into an area, we have better resolution on what the demand is, and when we see that our supplies have met demand and that demand is now tapering, which usually is tied very much to power coming back on, we gear down. So we save money in the long run by not continuing to push in what we started off with. So these linkages are the things we are talking about.

But another part of this is making sure these systems are secure. Because when you look at these systems, I think we have oftentimes looked at IT security after the fact, and we are trying to build that on the front end. Because these systems all tie back into a lot of networks that touch a lot of parts of the Federal Government. And so we are also wanting to focus on making sure that we build IT security in our systems. But we want to make sure we are automating the right process, not just automating and hoping it works.

THREAT AND HAZARD IDENTIFICATION AND RISK ASSESSMENT: FUEL  
OIL TRAINS

Mr. OWENS. I would like to switch gears to another subject. Been a lot of conversation over the last approximately a year about the movement of oil by railcar. What assistance are you providing to States and local governments in terms of creating plans to deal with a potential derailment and oil spill?

Mr. FUGATE. Well, I think this is starting to show up in two areas. One is training. And, again, recently, this week, we had testimony from our Center for Domestic Preparedness. That is, we identify emerging threats. We start looking at what the training needs for the first responders are going to be.

This is also something that will start showing up in our threat and hazard identification, what we call THIRAs, where we work with the States on what are your threats and the fact that threats aren't stationary.

You know, the primary regulation of the oil trains is the Federal Department of Transportation. And we have had a long history as a first responder and a local and State person of working with them on other hazardous materials that move across. But I think this is relatively a new emerging threat; we never saw this much fuel oil being moved by trains. And as we identify that, it will come back to: Where is the appropriate place to build this into plans? What kind of additional responsibilities and planning requirements are there?

We have a lot of history doing this through EPA's (Environmental Protection Agency's) Super Fund programs for extremely hazardous substances, which are fixed base. And we have lot of history working the transportation pipelines and other issues, primarily through our Department of Transportation working with our counterparts in the State.

So the two pieces, to us, we see is: Is this something that we need to begin incorporating into our basic planning documents for communities to consider in their planning? And, two, the training requirements that may affect the National Fire Academy and the Center for Domestic Preparedness as either addendums to courses or perhaps even courses specifically built around how you would respond to that.

Mr. OWENS. There seems to be, at least in my communities, a growing recognition that this is an issue. And they are searching for the kinds of information that will address the issues you just talked about.

Mr. FUGATE. Well, our subject-matter expert for this is the U.S. Department of Transportation. They are the ones that would be best prepared to provide the guidance on how to respond to those issues.

But we look at things this community provides, like the Emergency Management Preparedness Grant funds that go out to communities, both to the State and locals, to do all-hazard planning. We provide a lot of those guidance tools under that. So it would, again, be something we fund all-hazards. Sometimes emerging hazards come about, but there are mechanisms in place to tie that to.

As you are pointing out, a lot of times it is, what is the information we need to have? What do we need to look at in our plans? Are there additional training requirements? Not necessarily that we have to have new funding, but we need to incorporate our existing tools and adapt to that threat.

Mr. OWENS. Thank you very much.

Mr. CARTER. Mr. Dent.

#### BIGGERT-WATERS FLOOD INSURANCE PROGRAM

Mr. DENT. Thank you, Mr. Chairman.

Good morning, Mr. Fugate.

Just a couple things. As you know, earlier this month, we passed the new legislation rolling back many of the reforms of the Biggert-Waters Flood Insurance Program in 2013. What are the impacts of this new legislation, and when will policyholders see changes mandated by the bill?

Mr. FUGATE. Well, the bill gave us some timelines. Probably the one that will take the longest but will be a significant financial piece will be the reimbursement of already collected premiums. We have timeframes in the bill to accomplish that.

But most immediately, we think, there are some things that we are working diligently on to implement now that the President has signed it into law. The first one right now is to transfer the preferred risk when you sell your home. This has been a huge issue that is raised by both homeowners and realtors, that they could not go to closing when a person was buying a new home, and they went to a full actuarially based rate that was far greater than what they thought when they were purchasing the house.

So the bill does provide now the transfer of those grandfathered rates to a new buyer, where the previous legislation did not allow that. That is something that we are working on. And, again, our timeframes are based upon our analysis of the bill and the implementation, but we are working to get this out to all of our write-your-own policy companies that write the policies so that we can recognize that that grandfathered rate is now transferrable to a new buyer.

That is one of the most immediate things that we are looking at, in addition, we have to set the new rates and actuarial tables. That is going to take time. So we are kind of looking at this—first thing is let's get the transfer of the grandfathered rates in place. Let's look at what it is going to take to do the refunds and get the refunds. You have given us timelines to do that. And let's look at the new actuarial tables we have to build to then calculate the 18 percent increases that were allowed under that statute.

#### HURRICANE SANDY REBUILDING TASK FORCE'S FINDINGS

Mr. DENT. Thank you.

Also, in the aftermath of Hurricane Sandy, the President established the Hurricane Sandy Rebuilding Task Force and named the Secretary of HUD as the head of the effort.

Administrator Fugate, how will the findings of the task force change how FEMA works with communities to respond and recover from these types of disasters?

Mr. FUGATE. Well, it is not going to really change much how we work. What this whole idea was, we have a collection of Federal agencies that all have programs that apply to disaster response, and that the larger the disaster, the more important it was for those other agencies to understand what FEMA was doing and where the gaps were.

So this is less about how FEMA is changing as doing a better job of bringing all of our Federal resources together. So when communities are looking at rebuilding, you know, we would literally deal with what was damaged and what was there before. We don't do a lot of things about what the future needs were or what pre-existing conditions exist. But HUD, Army Corps of Engineers, and other authorities do.

So we think that from the standpoint of being able to bring all of the Federal programs together and look at problems holistically, not just what the Stafford Act would be able to do, but what other programs would be able to do, we are going to build communities back for the future and address issues that the Stafford Act was never designed to.

So we think it has been an effective tool. We have some good examples of some things, one of which was consolidating, which the statute required, all of the environmental, historical reviews across all the agencies. As it was, as a State or local, if I was funding a project with HUD (Department of Housing and Urban Development) dollars, FEMA dollars, Army Corps dollars, I could find myself having to do three separate environmental and historical reviews even though it was the same project, because they all had different rules around their moneys.

We have been able to bring that together and to simplify that process so that one environmental and historical review satisfies all of the Federal funding requirements for a project.

Mr. DENT. And do you see any potential changes in the roles and responsibilities in the National Disaster Recovery Framework as a result of findings of the task force?

Mr. FUGATE. Again, when we were initially considering this, there was some question as to the lead agency, whether it would be FEMA or HUD. A decision was made at that time to be FEMA. We are comfortable in that role.

But I think probably what we are seeing is this has actually expanded beyond Stafford Act disaster declaration. I don't know if many people know this, but Agriculture used the National Disaster Recovery Framework in the Midwest during their droughts because it, again, gave them a tool that they did not have. They don't normally have those day-to-day relationships with a lot of different agencies that do disasters, like Small Business Administration, Commerce, economic development. And so they were able to utilize the same framework for a drought, which was not a Stafford Act response, but it, again, brings the agencies together. Because as a State person, I hated to have to go through the grants catalogue to figure out what agencies had what programs to help me.

And so bringing this together means we bring all our resources, we sit down, look at the issues, decide which agencies are best able to do that, and provide the State and the local communities a bet-

ter unity of what the Federal agencies are capable of doing, versus having to go one by one to figure out what is going on.

Mr. DENT. Thank you.

I will yield back at this time, Mr. Chairman.

Mr. CARTER. We are joined by our distinguished ranking member of the full committee, Ms. Lowey. I saw her on the elevator. She has been a busy lady today.

Welcome, Ms. Lowey.

#### URBAN AREA SECURITY INITIATIVE: REGIONS

Mrs. LOWEY. I think there are four or five hearings this morning, so I apologize for being late.

And I thank you very much, Administrator Fugate, for all you are doing and for joining us today.

Before I begin my questions, I would like to take a moment just to thank you again for your work in helping New York recover from Superstorm Sandy. The storm damaged over 305,000 homes in New York alone, devastated businesses, crippled infrastructure along the East Coast, and without your work, many would still be without homes. I thank you, and I look forward to discussing this in detail in a moment.

The explanatory statement accompanying the fiscal year 2014 omnibus included language directing the Department to focus the Urban Area Security Initiative, UASI, program on urban areas that are subject to the greatest terrorist risk and allocate resources in proportion to the risk. The purpose of this language was to focus the resources of the Department and FEMA in those areas at the highest risk of an event where it matters most rather than spread this money around to regions facing substantially lower risks.

When Secretary Johnson testified two weeks ago I asked him about the fiscal year 2014 allocation. He gave the impression that the list of UASI eligible regions would be decreased. That afternoon, we learned that the list of regions had actually increased. Why did FEMA decide to increase the number of UASI eligible regions, which was not consistent with legislative intent?

Mr. FUGATE. Previously, you had given us a hard cap of 25 jurisdictions, and when we do the formulas—and, again, part of the direction is, from the 9/11 Act and the direction of Congress, is to do risk-based—we look at populations, we look at intelligence of threat, we look at critical infrastructure, and we look look at a variety of factors and we develop formulas that we then apply.

And we are actually required to look at the 100 large metropolitan areas as the target areas, not that they would all get funding, but that is the initial group that we look at. We develop formulas based upon all of those factors, including input from intelligence and analysis of DHS on threat, current threat, and sometimes that threat changes. We look at special events, venues, populations, military bases and others, and we calculate a formula.

When you gave us 25, we ran the formula, and when you got to 25, it stopped. But when you run the formula without a cap and you look at particularly those cities that went down to I believe to now 39, they are very closely grouped. There is no clean break there. And so when we ran the formulas, it is very obvious that New York City, Boston, L.A., these top tier have always been in

those top tiers. But when you run a formula and you don't put a hard cap on it, you now get into an area where there are no clear distinctions. So they are grouping pretty much how that recommendation came together. So it wasn't the intention that we wanted to expand the groups, but once you got down into the middle of the 20s, there is not a lot of distinction, and so where do you make the cut?

So we proposed back to the Secretary that many of these jurisdictions had received previous funding, they had exhausted those fundings, there were capabilities that had been built around that funding, and that with modest funds—and again, we did not extrapolate out the funds by population. And we actually funded those larger jurisdictions at a higher level, but when we got down to the lower levels, we felt that, on the basis of that formula, because there was no clear break and we had seen various activities and various incidents occur, that modest investments in those cities would maintain capabilities that had already been paid for.

But the problem was if you do a formula base, you do get to those areas where there is not a clean break. When you gave us a hard number, it was pretty easy. You went through that formula and what was 26, no matter how close they were to 25, didn't get funded.

#### HAZARD MITIGATION GRANT PROGRAM

Mrs. LOWEY. Okay. Let me ask you one other question about the Hazard Mitigation Grant Program. I have heard from several municipalities of delays in processing Hazard Mitigation Grant Program applications. For example, the Village of West Haverstraw has a drainage problem caused by flooding in one of their main streets. The village submitted an application in December and is waiting for an outcome. Officials in New York State say they do not have a timeframe. This becomes more serious as the heavily trafficked road is starting to cave in as a result of the repetitive flooding. If the village fixes the problem today they will not be reimbursed for the work, and yet if they wait, they are playing with fire.

Could you tell me what steps is FEMA taking to more quickly move the Hazard Mitigation Grant Program application reviews along? And what advice do you have for municipalities? Wait?

Mr. FUGATE. Well, as a State and local, one of the challenges was if you begin construction before you have an approved project, it is not eligible. So we always fought that battle of timeliness.

The other problem has been we have oftentimes built mitigation as after the disaster response was completed or nearly completed, and that means that these projects would normally not even be talking about 3 or 4 years later from the time of disaster.

But you are right. If you don't make your mitigation investments early in that response, we may lose opportunities. So we have been working to give more tools and more focus on mitigation pretty much from the time we get to a stabilized point and not wait until all the rebuilding has started, because we know that there are some projects that need to get started earlier.

So we work with the States. I will take this back to our region. Jerome Hatfield, who is the regional administrator is from New



Jersey, he knows the region pretty good, and he is a big fan of mitigation, just like I am. We want to look at this. And, again, I will find out about this project and report back to your staff where we are at on that.

[The information follows:]

HMGP

**Ranking Member Lowey:** Let me ask you one other question about the Hazard Mitigation Grant Program. I have heard from several municipalities of delays in processing Hazard Mitigation Grant Program applications. For example, the Village of West Haverstraw has a drainage problem caused by flooding in one of their main streets. The village submitted an application in December and is waiting for an outcome. Officials in New York State say they do not have a timeframe. This becomes more serious as the heavily trafficked road is starting to cave in as a result of the repetitive flooding. If the village fixes the problem today they will not be reimbursed for the work, and yet if they wait, they are playing with fire. Could you tell me what steps is FEMA taking to more quickly move the Hazard Mitigation Grant Program application reviews along? And what advice do you have for municipalities? Wait?

**Administrator Fugate:**

FEMA implemented three Hazard Mitigation Grant Program (HMGP) initiatives after the President signed the Sandy Recovery Improvement Act (SRIA) of 2013 into Law on January 29, 2013. The three initiatives are HMGP Streamlining, Program Administration by States and Advance Assistance. All three aim to improve the efficiency and effectiveness of HMGP delivery.

**HMGP Streamlining**

SRIA directed FEMA to streamline HMGP activities and implement the program in a timelier manner. Below are six areas where FEMA and States collaborate to improve the efficiency and effectiveness of HMGP. These areas of opportunities are the first phase of our ongoing efforts to seek continuous improvements to HMGP. We continue to incorporate efficiencies and best practices and encourage state partners, stakeholders and regional staff to identify additional actions as well. These opportunities for improvement have been included in the Hazard Mitigation Assistance (HMA) Guidance, which was released on July 12, 2013, and are also applicable to other HMA programs (i.e., Flood Mitigation Assistance and Pre-Disaster Mitigation).

*1. Minimum criteria for complete applications*

Incomplete project applications and placeholder applications delay project approval because they do not contain the sufficient information FEMA requires to make program eligibility determinations. To address this issue, FEMA has developed Eligibility and Completeness (E&C) checklists for acquisition, elevation, safe rooms and wind retrofit projects, which identifies the minimum information required for FEMA to initiate a project application review. FEMA will no longer accept incomplete and placeholder project applications.

## *2. Timeframes for review actions and decisions*

Currently, there is no national standard for the time FEMA takes to review a project application, or for Grantees and applicants to respond to FEMA's request for information. The lack of a standard has resulted in delays in final review and approval of project applications. To address this issue, FEMA has established a standard of 30 days to review project applications. Once a total project application is submitted, FEMA will complete the eligibility review within 30 days, or will request additional information to make a determination. The Regional Administrator may extend this 30 day review timeframe for certain complex projects in extraordinary circumstances. The Regional Administrator may also extend the timeframes to allow applicants to develop or obtain data. The 30 day review period does not include environmental planning or historic preservation compliance reviews that may be necessary.

## *3. Phasing projects*

Applicants may delay submitting project applications for complex projects because these applications require additional technical and financial resources to provide the complete information required for FEMA to make eligibility determinations. To assist the applicant in these circumstances, FEMA may approve and fund certain projects in phases.

## *4. Industry cost guides for estimates*

Project application approval may be delayed because of the time FEMA takes to review cost estimates that the applicant provides. To streamline this part of the process, FEMA will accept cost estimates that the Grantee certifies were established using nationally published or local cost estimating guides to support budget and benefit cost analyses. If a cost estimate is based on a contractor's bid or historic costs from another activity, detailed documentation must be provided. The applicant must document actual costs for eligible activities at closeout.

## *5. Industry design and construction standards*

For certain types of mitigation projects, FEMA performs a detailed review of the engineering design for compliance with relevant codes and standards. This may result in delays in approving projects. To address this issue, FEMA will accept for feasibility determination, the engineering design for a project if a registered professional engineer certifies that the design meets the appropriate code, or industry design and construction standards. For example, if a registered professional engineer certifies that design of a community safe room project meets or exceeds FEMA 361 standards for design and construction, FEMA will not perform a detailed design review to ensure compliance with the standard. This has been implemented in an effort to accelerate FEMA's approval of certain types of projects.

## *6. Pre-calculated benefits*

Although FEMA provides many tools to assist applicants in conducting benefit cost analyses of projects, FEMA continues to seek ways to reduce the benefit cost analysis

burden on applicants. FEMA has pre-calculated the benefits associated with residential safe rooms for most counties in the country. FEMA is currently computing benefits for critical facilities and other types of activities. If the applicant submits a project with costs that are less than the pre-calculated benefits, the project is cost effective. No additional documentation is required to support the analysis. This change has been implemented in an effort to eliminate delays applicants experience in submitting project applications due to challenges relating to benefit cost analyses.

### **Program Administration by States**

SRIA directed FEMA to implement a program entitled Program Administration by States (PAS) on a pilot basis until FEMA promulgates regulations on the program. The PAS provides a framework for FEMA and its partner states to better utilize their collective resources to efficiently and effectively implement the Hazard Mitigation Grant Program (HMGP). PAS will achieve this objective by capitalizing on the strengths and capabilities of each state and eliminating duplication of efforts. Under PAS, if a state has demonstrated capability to perform a function in the HMGP application development and review processes, FEMA will not perform duplicate reviews of those functions.

On March 12, 2014, FEMA released an Advance Notice of Proposed Rulemaking (ANPRM) for PAS. FEMA is seeking public comment on implementing Section 404(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5170c(c), regarding administration of HMGP. The comment period closes on May 12, 2014, at which point FEMA will adjudicate the comments.

### **HMGP Advance Assistance**

SRIA gives FEMA the authority to provide up to 25 percent of the amount of estimated HMGP costs to states and tribes in advance of incurring eligible costs. The purpose of Advance Assistance is to provide states and tribes resources to develop mitigation strategies and obtain data to prioritize, select and develop complete HMGP applications in a timely manner. FEMA expects states and tribes that receive Advance Assistance to submit complete project applications up to or over the HMGP ceiling by the application deadline.

FEMA will continue to implement Advance Assistance on a pilot basis for any state or tribe having a declaration with an open application period. The amount of assistance is limited to 25 percent of the HMGP ceiling or \$10 million, whichever is less. The application must identify the proposed use of the funds, including costs in sufficient detail for each proposed activity and milestones for submitting completed HMGP applications to FEMA. Advance Assistance is subject to the HMGP cost share requirements and strategic funds management. Advance Assistance is part of the HMGP ceiling amount.

Mr. FUGATE. But we recognized that. But traditionally, it was almost the cycle was, you did response, you did rebuilding and then you did mitigation, and that takes too long. So we are trying to go, when we are rebuilding is when you need to be thinking about mitigation, not years later, when we have missed that opportunity.

Mrs. LOWEY. Thank you very much.

Thank you, Mr. Chairman.

#### DISASTER FUNDING

Mr. CARTER. Thank you, Mrs. Lowey.

On that task force you were talking about, I am glad to hear that you feel something constructive came out of it because your agency paid \$8 million for it so that HUD could put on a show, and I am glad it turned out to be worthy.

Just a question to make sure I have got this clear. This is kind of repetitive. We have budgeted \$7 million—billion to fund known disaster requirements, including new events, and we have to keep going back to the 800-pound gorilla that is sitting in the room and that is Hurricane Sandy. Is this sufficient funding to discuss Sandy needs as well as ongoing disaster requirements, including projections?

Mr. FUGATE. Yes, sir, Mr. Chairman. Based upon even the acceleration of very large projects, we started something early on, developing better spin plans of what we anticipate would be drawn down from all of our open disasters. Previously, we oftentimes had no real visibility and oftentimes would have to come back to Congress for supplementals outside of the normal budget order.

But with the Budget Stabilization Act and fully funding the DRF, and I have been here before, where I have had to testify, where we weren't asking for full funding and the challenges that posed. But that full funding, what we calculate, Mr. Chairman, is for our existing open disasters, what we expect in that fiscal year to be drawn down, including the acceleration of the projects from Sandy, so this is full accounting; we are not leaving anything out, full accounting. We look at our average disaster response, so last year, we could respond to the floods in Colorado with no supplemental. It was actually built into the budget of what we are funded for, and we maintain sufficient reserves to respond to the no-notice catastrophic disaster.

Based upon all of that, we will complete the fiscal year with sufficient funds, not only to pay all the bills, not slow down any of the response that is ongoing, any of the recovery ongoing, with sufficient reserves to allow for the next event that may occur without warning.

Mr. CARTER. Based on the last monthly report, the Disaster Relief fund will carry over \$4.7 billion counting the \$1 billion you set aside for the no-notice events. How will these funds be used in 2015?

Mr. FUGATE. Again, based upon what we are working on with the projects, we are developing spin plans over what is still owed on disasters and getting those drawdowns. And, again, based upon our look at what is currently out there in Sandy, we expect those drawdowns to continue in 2015 and be rather substantial.

I think initially when we saw Sandy, again, we knew we had a lot of response on the front end, but we are now getting into the rebuilding. That will be the largest tickets that come down. And unlike Katrina, where those bills kept coming and are still coming, our hope is to have these large projects identified, funded, and moving forward with some understanding of what the future demands are going to be versus almost—the previous example was almost like a blank check. You don't know when they are going to cash it, you don't know how much they are going to cash it for, and it is hard to do budgeting that way.

#### FIRST RESPONDER TRAINING

Mr. CARTER. I get that. Shifting gears a little bit, Mr. Fugate, it has been mentioned to you by several members that the fiscal year 2015 budget includes significant changes to FEMA grant programs. Of interest to me is creating a new Training Partnership Grant Program which would in effect terminate the current National Domestic Preparedness Consortium Program. These programs have been authorized by Congress and have conducted training at no cost in all 50 States, including training almost 2 million people.

Under this new construct, what happens to the NDPC programs, and if the new programs are not authorized, what changes would you propose to address any concerns that the administration may have with the existing programs?

Mr. FUGATE. Well, we are trying to move toward—we have put out a lot of centers stood up in the aftermath of 9/11. Some of them are outstanding and were existing prior to 9/11 and are key parts of our training apparatus for our first responders in our local communities.

What we are trying to move toward, Mr. Chairman, and we are willing to work, what we want to do is make sure that when we are investing in training institutions, we are getting our investment back and we are funding those that are providing the greatest capabilities. An example in your State, Texas Tech or Texas A&M has been doing fire training and engineering and search and rescue even prior to 9/11.

So this isn't to break these relationships but to better fund and identify those programs that are providing the services that our response communities say they need and are effective and maybe not funding as much or continuing funding for programs that are not performing. But that is our goal. And we are wanting to work with you to make sure that we get an outcome, that what we pay for we get, and it is responsive to what the response community has indicated its needs are.

Mr. CARTER. Very good.

Mr. PRICE.

#### GRANTS PROGRAM CONSOLIDATION

Mr. PRICE. Thank you, Mr. Chairman.

Administrator, I want to just briefly go back to the grants discussion we were having earlier, and then I want to give you a chance to talk about your strategic planning approach which I know is a matter of considerable importance to you.

In responding to my question about this recurring proposal for consolidating the grants program, you made a convincing case I think for coordination, also for recognizing the constitutional authority of the States. And you and I both come from States who have exemplified the assumption of responsibility. That is your background as an outstanding State administrator. And I have appreciated the work done in our State to have effective State administration. That isn't equally the case all over the country, but clearly a robust State role, a leading role for the States is clearly desirable.

But I continue to think we should be somewhat careful of what we ask for here. The present structure does guarantee that certain needs are addressed and the criteria for allocating funds are not the same in each of these programs, as we said earlier, but it also contains some of the pressures. I guess I do want to ask you to reflect briefly on that.

In your discussion with Ms. Lowey, you talked about the distribution of these UASI funds. There are pressures to distribute those funds widely, to dissipate those funds. There are pressures of all sorts that come to bear and will come to bear on these programs. And the division among these programs now does contain some of these pressures. It gives you certain protections, I would think.

I mean, you wouldn't want to see the kind of pressures that sometimes develop around UASI funds, you wouldn't want to see them applying, would you, to the whole of the grants program? I am just wary, perhaps, of unanticipated consequences that could come from this consolidation. We will continue this discussion, of course. But if you have a quick response, I would like to hear it.

Mr. FUGATE. Congressman Price, again, I have a responsibility to propose to you what I think would work and produce the desired results, but I have also been diligent in taking what we have been authorized and implementing it to the spirit of the law. So this is not a question that I would fight any decision you make, but it is more of looking at how we better build a system. And that is, again, why I think the appropriation process for the authorizing language gives us an opportunity. How do we best ensure that role that the State constitution dictates of how that State and the jurisdiction operates in a disaster is better tied to funding that are going to very specific programs? And again, we have had success. As you remember, we had many different grant programs. We are down to basically three large categories. So we have done consolidation, and it has been successful.

#### STRATEGIC PLAN

Mr. PRICE. Yes. And as you will recall, when I was chairman of this subcommittee, we took part in some of that consolidation. There were way too many grant programs, too much money being dissipated around. So, yes, we did undertake a certain consolidation. I suppose the question is, what is the optimal point of consolidation? And that is something we will continue to address.

A related topic of strategic planning. You have been successful I think in large part because you have a very disciplined approach to defining your mission, assessing gaps in capabilities, developing

approaches to fill those gaps. Sometimes strategic planning in some agencies isn't very connected, isn't very closely connected to what is happening on the ground. It sometimes looks like a bureaucratic exercise. But I know that is not the case for you. You take this seriously.

So I want to ask you what you are up to here. You developed last year an updated administrator's intent document for years 2015–2019. I understand the Agency will soon be publishing a new strategic plan for the years 14–18. These documents are focused on imperatives and priorities, objectives you hope to achieve over time.

Just a couple of leading questions here. Can you give us a sense of where you think the agency is to where you think it needs to go, a kind of overall sense of that. Do you think the current strategic planning process is working as an effective tool? Is there good buy in to that process for your employees? What success have you had developing performance measures and outcomes? Are you satisfied you are able to measure the extent to which you are achieving objectives? Are you satisfied that the 2015 budget request, and that is after all the product of several iterations among FEMA, the Department and OMB, is that a good reflection of the requirements identified in the 3-year planning process? What kind of connection, in other words, has there been?

I think it is fair to say this subcommittee is a strong supporter of effective strategic planning. It is something we want to see a lot more of. So is there anything we can do to help facilitate these efforts?

Mr. FUGATE. Well, the first thing is the budget is always a key part of that, and I am not satisfied with where we need to be. But there are a couple of things you did raise that I want to highlight.

My experience with strategic plans, they were check-the-box documents that somebody required. They were written by a few people. They were produced, shown to the committee staff; the box was checked, and somebody had a strategic plan. Yet all the other activities, including the budget, bore no reflection on that.

Most strategic plans talk in very general terms. They don't get specific. I felt that, without numbers and outcomes, a strategic plan was another one of these futile efforts of trying to bring management to government, yet it just created another process.

So we took a different approach to it. And our strategic plan is, when you look at it, it is pretty much based around some of the things that we know we have to get better at. And we also knew that this could no longer be written by a couple of people and then it is the document of the Agency. The Agency had to be part of that. Staff had to be brought in.

So we actually brought in folks outside of the traditional office that drafts the strategic plan to start fleshing out, what do we mean by being survivor-centric? I mean, that is a nice term. It is like a marketing term. Well, what does it really mean?

Well, what I try to get everybody to understand and what our staff says, you know, when you apply for disaster assistance, you shouldn't require an instruction book on how to get help from FEMA. You have got enough problems. But we make systems oftentimes that are easy for us to administer, without understanding, what does this mean for the person that needs the help?



So how do we build systems around what the person, the family needs? Understanding we can't say yes to everything and we are not going to be the answer to everything, but we should not be so complex that after somebody has lost their home or a loved one, that when they first come into FEMA, our response is you need to dial 1-800-621-FEMA, and that is the best we can do. And this means that we have to change our attitudes and our programs.

So we picked five themes, very focused. It doesn't exclude everything else we do, but it is very key to changing these things across the agency and then measuring that change and then driving investment. And, again, people who tend to look at FEMA's budget because of the DRF are going, you have all this money. We operate, and the salaries and expenses account, all of the day-to-day operations and the training and preparedness of the permanent workforce are ready to go, so this strategic plan is really focused on those salaries and expenses, not the DRF.

The other thing I want to close with, we have tended to, and you hear this term a lot, back office systems. You talk about HR, your human capital, you talk about your IT. At FEMA it was always second to the disaster response. And in many cases, we would bypass normal order to get things done, to the detriment of building effective management structures.

And in our strategic plan, we actually started out with five areas, and this was going to a column over here. And I said, Wait a minute, you know, that is part of the problem. We always treat this as something separate from the mission. But if you don't look at hiring through retirement and that workforce to support being focused on survivors, of being able to go into the field and operate in that environment, to be able to reduce risk and respond to catastrophic disasters, if you are not hiring that workforce, you can't accomplish that mission.

So we took our little fancy chart and we took all of those things that people used to call the back office, and we put them at the bottom and said this is FEMA's foundation. If you don't have the workforce to do the mission, you are going to fail. And that is from hiring, to managing performance, all the way through career development through retirement. If you don't build the IT infrastructure that is secure from the beginning, not bolted on or basically getting exemptions every day, you are going to fail your mission.

So if you are going to respond to catastrophic disasters; if you are going to buy down future risk; if you are going to be able to operate in the field, not at 500 C Street, where everything works there, but it doesn't work when you are out in a mud slide in Washington State with poor communications; and if you don't build your systems around the people you serve, not that it is easy for you to administer, but it makes sense to them, you are going to fail. But that doesn't work if you don't build this foundation.

So this strategic plan is not a shelf document. We are linking it to our performance metrics, to our investments, and are making determinations about resources within our budget that we have to allocate on the basis of accomplishing that mission.

Mr. PRICE. Thank you, sir.

Thank you, Mr. Chairman.

Mr. DENT [presiding]. At this time, I would like to recognize the gentleman from Tennessee, Mr. Fleischmann, for 5 minutes.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Mr. Administrator, before I begin my questions today, sir, I wanted to extend to you and to FEMA a heartfelt thanks not only for being here today but, more importantly, for all of your hard work in supporting our citizens and first responders.

In recent years, the Third District of Tennessee, which I proudly represent, has been hit by severe storms, tornadoes and floods. FEMA has done an incredible job in responding to these situations and helping us rebuild, sir.

So thank you.

In my home State, the Tennessee Emergency Management Agency also plays a vital role in preparing for and responding to these natural disasters.

My questions for you today are about the Emergency Management Performance Grants Program. As you know, this program is the only source of Federal funding provided directly to State and local governments for all functions which help rebuild a robust emergency management system, and it has a 50-50 cost share structure. Your fiscal year 2015 budget proposes level funding for EMPG.

Could you share with us today some of the benefits of this program and any ways you think it could be improved, sir?

Mr. FUGATE. Well, the Emergency Management Preparedness Grant Program is, again, a grant that is administered through the State, and how those funds are then allocated to the locals is something that the States and the locals work through. But I think one of the key tenets is it is definitely a shared responsibility. It is a 50-50 match. Unlike any of the other grants we administer, this is a hard—you have to have a dollar for a dollar match. So it is a shared response at the local, State and Federal level to provide the capability to respond to disasters.

And why this is of benefit to the Federal taxpayer is the better the capability of this shared responsibility we have at the State and local level, the more they can manage disasters on their own, therefore reducing the cost to the Federal Government, shortening the time of response and recovery and making a better investment and making sure our communities are resilient.

These dollars provide oftentimes the only way many jurisdictions could have staff devoted to emergency management, usually with our fire and law enforcement and others. Without these funds, people are given additional duties, but in many cases, this at least allows the fund to partially or fully fund personnel at the local level as well as additional folks for the State to build this capability for an all-hazards response.

Mr. FLEISCHMANN. Thank you, sir.

One more question. We have heard concern about the definition of unit of local government in the MGPG proposal. Local government stakeholders are concerned that the definition would greatly expand the eligibility for the grant programs and could set a dan-

gerous precedent for the expansion of the definition under other Federal programs.

What is the rationale for defining a unit of local government as you did in the proposal? And as a followup to that, is there any alternative way to define the universe of subgrantees you are trying to capture?

Mr. FUGATE. This goes back to not the Emergency Management Performance Grants; it goes back to the authorizing language to consolidate the Homeland Security Grants, the Urban Security Area Grants and the port and transits because there are certain entities that receive funding under the Homeland Security Grants that, by the definition of the 911 legislation, would not be included, such as nonprofit religious facilities, certain port authorities, which are not government entities. They would be excluded unless we put that change in there.

So the change is not any application toward the Emergency Management Preparedness Grants of opening up that; it is to ensure that in our authorizing language of consolidating grants, we don't exclude current applicants that are eligible for funds under the 9/11 Act and those three grant funding streams. So the intention is not to expand that, but also not to prejudge what a Governor and a State legislature may do. Again, it is the State's decision about what they fund.

I think a lot of times when local governments look at trying to protect their interests, they forget they operate with their authorities under the State constitution and that if the State determines that there may be entities that are not necessarily local governments but are necessary for that State response, would you want to preclude them?

Now, that is not being proposed and not anything that we would do with that, but it is one of the questions when you do limit to only local forms of government. What if the State has structures that don't fit that?

Mr. FLEISCHMANN. Thank you, sir.

And I will yield back.

Mr. DENT. At this—at this time, I would like to recognize the gentlelady from California, Ms. Roybal-Allard, for 5 minutes.

#### WILDFIRE SUPPRESSION: CALIFORNIA

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman. I apologize for being late, but unfortunately, my other subcommittee meets at the same time as this one.

Director Fugate, as you know, California is in the midst of an unprecedented drought, and because of these extreme conditions Governor Brown has declared a drought emergency. And officials in my home State are extremely concerned about massive wildfires this summer. I understand that FEMA is working very closely with Governor Brown's administration to prepare for wildfire season, and in fact, the California Secretary of the Office of Emergency Services Mark Ghilarducci has had high praise for FEMA's leadership, and I would like to thank you for that.

Can you please just give a brief update on your plans to combat wildfires in California this summer and if any additional resources

will be needed to adequately respond if the anticipated crisis becomes a reality?

Mr. FUGATE. Well, we have been working too close to the State of California. I am quite disappointed with Mark and the Governor for taking the regional administrator, Nancy Ward, away from me and hiring her as his deputy. So working close doesn't always work to our benefit some days.

Again, in fully funding the disaster relief fund, our primary role in wildfire activities is supporting the extraordinary costs that occur on non-Federal lands. So the primary tool we have is the Fire Management Assistance Grants.

We had actually, prior to the season, early when I came on, given administrators and the regions greater authority to issue those grant requests, to be more timely to a Governor's request. But the wildfires are a symptom of the drought. We are also working with the Governor's Task Force on Drought because there are other issues we are concerned about as well.

The other part of this is going to be able to ensure that our Federal firefighting agencies, U.S. Forest Service and the Department of the Interior, have the resources to fight the fires on the Federal lands. If an event did occur in California that exceeded both the capabilities of the Fire Management Assistance Grants and we saw significant impacts, we also have the ability, under the Stafford Act, at the Governor's request, to provide additional assistance.

But everybody from NORTHCOM on down to the National Guard Bureau to all of the other agencies that would have a role in an escalation of wildfires are closely monitoring, working through our region with the State. And, again, you have a very excellent deputy at the California Office of Emergency Services who is well familiar with the Federal programs and I think will be a tremendous boost to the State through this season's wildfires, much to my dismay.

#### NATIONAL PREPAREDNESS GRANT PROGRAM: PORT AND TRANSIT AUTHORITIES

Ms. ROYBAL-ALLARD. Under the National Preparedness Grant Program that you propose in your budget, States would be required to submit a single consolidated statewide application to FEMA. However, I understand that port and transit authorities are concerned that their needs may be ignored under this plan and that their requests for funding may not be included in the State-wide application and the concern that if that were to happen, that they have no recourse.

So given the importance of our ports and if the National Preparedness Grant Program is implemented, would you consider creating some kind of an appeal process for port and transit authorities, who believe that they have been unfairly ignored by their governments and yet feel that there is a very important need for funding to protect the ports and transit?

Mr. FUGATE. I would suggest that the way we would look at that is, how do we build in the authorizing language to support this? One of the things which we discussed briefly is to make sure we don't exclude them because they don't always fall under the definition of local government under the 9/11 Act, and we want to make

sure they are not excluded, so that is part of the language in the authorizing language.

But the other piece of this is to go back to, how do we build a clever process, because quite honestly, I don't think that neither the State OES (Office of Emergency Services) or Governor Brown is going to look at the ports as critical facilities that need to be protected. But again, as you were talking about wildfires, it is ultimately Governor Brown's authority under the constitution to make these hard decisions about where to make the investments to best protect the State as a whole.

So I would suggest we look at the authorizing language, and, again, as Congressman Price and I discussed, is, you know, we don't want to create unintended consequences. And our goals are the same, but can we address these concerns through authorization, or does it seem to be that we need to keep it separate?

The other part about the ports and transits, we have been running those as competitive grants for the last couple of years. So it is not always going to be that they get funded. It is based upon input. And, again, FEMA administers the grants. A lot of this input is actually from our subject matter experts. The captains of the port and the U.S. Coast Guard have a lot of impact on these grants and these applications. So there is not only the State's responsibility, it is the Federal agencies that would have responsibility as well in identifying and ensuring that ports, the captains of the ports, that their recommendations are weighed in on funding needs.

#### CYBER SECURITY

Ms. ROYBAL-ALLARD. So we will then look at the authorizing language and see if that can be addressed.

As you know, cyber attacks are an increasing threat to our Nation and in response, the State of California is undertaking a groundbreaking cyber security initiative that could provide a model for States nationwide. Governor Brown and other State leaders are establishing a cyber security commission with State, local and private industry stakeholders who will share best practices and work together to improve detection and response planning for cyber attacks. DHS grant funding will be critical in expanding this important initiative. And I was pleased to see in your fiscal year 2014 homeland security grant funding guidance, that it provides a much more thorough explanation of eligible cyber security activities than the 2013.

Given the seriousness of these potential cyber attacks, what role do you believe FEMA and FEMA grants will play in strengthening our Nation's cyber defenses at the State and local level in the future?

Mr. FUGATE. Well, there are actually two pieces to that. The Homeland Security grants are administered by FEMA, but we are not always the agency that has the jurisdiction over the various threats. So when you are talking about cyber, we are actually talking about working with other parts of DHS in the cyber protection world. We go to them and go, what should the guidance be? What should we be looking at funding? Where are the gaps? So part of the funding is really driven by, in the Federal family, the subject

matter experts on those threats, and then we build that into the grant guidance to apply that.

Our responsibility for response is twofold. One is to ensure our systems are protected, which we are working diligently on. I will be truthful in that we are not where we need to be, and so we are taking the corrective action. But the other part is the consequence of the events. When you look at these types of threats, some of them may only be financial; some of them may only be disruptive, such as defacing a Web page. But when you start affecting critical infrastructure and you start having impacts, we have to be able to respond literally as a no-notice event to the consequences when it exceeds that capability.

So we are primarily, in DHS, the focus of what happens if something occurs in those disruptions that requires outside assistance beyond the immediate response to the cyber threat itself but also, through the grants program, making sure that, based upon the guidance from the experts within DHS, that we have identified eligible projects and prioritized those, as well as making sure that our training programs are addressing these issues for the first responder community.

Ms. ROYBAL-ALLARD. Thank you.

#### BUDGET STRUCTURE: MISSION-BASED

Mr. DENT. Administrator Fugate, the Secretary has been very outspoken about the need for budget reform to include the need to develop requirements across the Department and translate those requirements to mission-based budgets, and I certainly support those efforts. How will FEMA define their specific requirements and what are the challenges?

Mr. FUGATE. Well, again, we look at, what does it require of us to respond to catastrophic events with no notice, to start establishing? You will never fund any one agency to do everything. So how do you build a team, and where do we make investments in funding to get to outcomes.

But we tie not only—very typically, you will see in a document, you are going to go do something and respond to something, and nobody says, well, how much time is it going to take to get there. So we very much try to tie what outcome we are trying to change by that response, how much will be required, and the fact that much of what FEMA does is not as the public generally thinks. We don't necessarily respond as we help fund, support and build teams. But that actual response is State and local.

So we are trying to tie our assigned functions to those responsibilities in our budget to make direct connections between, and this has been a challenge, how do you know you have invested in grants that are directly tied to outcomes that the Nation has identified, such as how long should it take for an urban search and rescue team from the outside to arrive in your community when no-notice events occur? Should it be 2 days, 3 days, 12 hours?

So we have been basing upon, if you are going to get there and change an outcome, there are certain time hacks that we don't get to move because we can't get there any faster, and we are using that to start driving decisions. So we are working to better tie what is the outcome we need as a Nation, not just to respond but to ac-

tually change the outcome, and ask, are we building that capacity? And that goes back to the consolidation of grants. If you are going to drive very specific national capabilities, you are going to have to put more emphasis on building that across the Nation, not necessarily jurisdiction by jurisdiction and hope it adds up.

Mr. DENT. Thank you. And how do you see your budget changing if the entire Department goes to a unified budget structure that is tied to mission?

Mr. FUGATE. I think it is things that we have already been laying groundwork on. I think one of the things that Secretary Johnson is bringing to the Department is much better transparency between components on visibility of what other budget issues were. Previously, we would oftentimes submit our budget to the Department and have passbacks with no visibility on what other agencies were facing. We would have things that would be assigned to us as something we are doing across all of DHS. But there wasn't a lot of visibility in that.

So both the Deputy Secretary and the Secretary have made commitments that, as we do our budgets, rather than each component as a literal stovepipe coming up to DHS and not having visibility, we are going to look at more and give the components more visibility of what is going on. If we know the intent, we can make better budget decisions.

So I think this is an evolving process. We have been laying groundwork, and we are looking forward to working with the Secretary on how we do better budgeting within the Department to make sure that we are best utilizing all of our capabilities across DHS versus each agency within DHS trying to figure out our role and responsibilities.

Mr. DENT. Thank you.

I will at this time recognize the distinguished ranking member, Mr. Price.

#### EMERGENCY FOOD AND SHELTER PROGRAM

Mr. PRICE. Thank you, Mr. Chairman.

Mr. Administrator, let me talk with you about the Emergency Food and Shelter Program and the plans in the budget to reduce funding for that program by \$20 million, or 16.7 percent, while also transferring the funds and administrative responsibility for the program to the Department of Housing and Urban Development.

I served on the old VA, HUD and Independent Agencies Subcommittee, which had jurisdiction at that point over both FEMA and HUD, and a transfer of this sort was first proposed and it was rejected back in fiscal year 2003. I was serving on Homeland Security after VA-HUD was unfortunately disbanded. The transfer proposal was put forward and rejected again for fiscal 2004, fiscal 2005. So this isn't new.

Now, my recollection is that the stakeholder groups were fairly unanimous back then that they didn't want that Emergency Food and Shelter Program to be transferred out of FEMA. The reason was they were very happy with the way FEMA administered the program. Now, I have to say to you I am not sure they are as happy now. There are some complaints, which I am sure you are

aware of. One of the virtues of FEMA administration was the rapid, relatively hassle-free distribution of funds.

That isn't quite as often said now. There were, as I understand it, delayed distribution of funds during fiscal 2012, something like 9 months taken to begin distributing the EFS assistance. That is nearly double the amount of time directed in the authorizing legislation, the McKinney-Vento Homeless Assistance Act. I think that fiscal 2013 awards were also delayed in distribution.

Another reason for keeping it in FEMA was to keep the identity of the program directly reaching more suburban and urban areas than most HUD programs with a retention of local decisionmaking. Some of those strengths remain, I suppose. But again, the way the program has been dragged out, and there are new programming requirements, reporting requirements from the DHS FEMA Grants Office. There is reduced staffing, I think, you can maybe confirm this, only a single staff person now. There used to be three people. I don't know what the staffing levels are exactly. But some are even suggesting that there is a kind of unwelcoming attitude at FEMA about this program, maybe an attempt to go ahead and shove the program out. So the stakeholders aren't as happy now, but then, again, the move to HUD isn't exactly being embraced either. So we need to get this right.

I wonder what the basic rationale is for moving the program over to HUD, to what extent you think that would be a alignment of the program's mission. Is the current transfer proposal premised on any kind of outreach to stakeholders or input from stakeholders? Are you going to conduct such outreach? Is this, do you think, a desirable change from their point of view.

Maybe the landscape has changed here. Just help us understand the rationale for this proposal and give us an honest assessment of whether this is a good idea.

Mr. FUGATE. Again, Congress has asked all of the agencies to really define your mission and make sure that you are doing the things your mission says. The Emergency Food and Shelter Program was in FEMA when I got there.

Congressman Price, if there is any—if I know of any attempt at not to administer this program as a prelude to forcing it out, I will deal with that. That is not the intent.

But it is about preexisting community conditions. This is about homelessness. This is about feeding the hungry. Although FEMA does these things after a disaster, that is not one of our responsibilities and part of our mission. It is something that is added on there. These are programs that are more in line with HUD's community programs to deal with preexisting conditions.

So it is an attempt to realign programs that, for whatever reason, ended up in our portfolio that are not our core mission. And even though I know some of the grantees have had good relationships with FEMA, we have also had to increase our oversight of those grants on the basis of IG findings to ensure that we have proper accounting and appropriate controls for those funds. And some groups are having to adapt to that. That is a change. You know, change sometimes is difficult.

But, Congressman, you really look at FEMA; this is about pre-existing conditions. This is about homelessness, and this is about



feeding the hungry. As much as I think this is an important thing for the Federal Government to look to do, this is not inherently what FEMA was built to do. And so the question is, is it better to be at HUD or at FEMA?

The one thing I will tell you is if it is at FEMA, I will ensure that it is run effectively. And again, we have had to improve our oversight of those grants because of IG findings of irregularities or lack of documentation.

So I don't want to say that there haven't been changes, but it is not the intention that I am trying to make the program run so poorly that you are forced to move it. My job is to take the appropriations and implement it. But it does not look like this is what my overall mission space requires us to do. It is not part of what our core expertise is. But if we are funded to do it, we are going to do it.

#### STAFFING

Mr. PRICE. I appreciate that determination. I wonder if you have any comment on these delays in distributing funds, on the staffing levels. Are there problems there that you think need to be corrected?

Mr. FUGATE. I will take that back and take a look at it, sir. I am not aware of that specifically. So it is something I need to go back and find out what is going on.

I can tell you, though, that we have had staff reductions in the last couple of years based upon our budget where we have reduced our permanent workforce. So, again, I would have to go back and get why reductions were made, are those adequate to carry out the mission, and what the delays were and what those delays cause, and I will provide that back to you, sir.

[The information follows:]

Emergency Food and Shelter

**Ranking Member Price:** Some of those strengths remain, I suppose. But again, the way the program has been dragged out, and there are new programming requirements, reporting requirements from the DHS FEMA Grants Office. There is reduced staffing, I think, you can maybe confirm this, only a single staff person now. There used to be three people. I don't know what the staffing levels are exactly. But some are even suggesting that there is a kind of unwelcoming attitude at FEMA about this program, maybe an attempt to go ahead and shove the program out. So the stakeholders aren't as happy now, but then, again, the move to HUD isn't exactly being embraced either. So we need to get this right. I wonder what the basic rationale is for moving the program over to HUD, to what extent you think that would be an alignment of the program's mission. Is the current transfer proposal premised on any kind of outreach to stakeholders or input from stakeholders? Are you going to conduct such outreach? Is this, do you think, a desirable change from their point of view? Maybe the landscape has changed here. Just help us understand the rationale for this proposal and give us an honest assessment of whether this is a good idea....

I wonder if you have any comment on these delays in distributing funds, on the staffing levels. Are there problems there that you think need to be corrected?

**Administrator Fugate:**

The Emergency Food and Shelter (EFS) program has been administered by the FEMA Recovery Directorate's Individual Assistance Division since Congress established the program through the Stewart B. McKinney Homeless Assistance Act of 1987. The purpose of the program is to supplement and expand ongoing efforts to provide shelter, food and supportive services for hungry and homeless people across the nation. As per the McKinney Act, the program is administered by a board that is chaired by FEMA.

The Recovery Directorate's primary focus is the delivery of the programs and services outlined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act. While FEMA is dedicated to ensuring that EFS is administered effectively and efficiently, the program by its very nature does not conform to the other programs and services the Recovery Directorate administers and delivers under the Stafford Act.

Currently, FEMA's Recovery Directorate has one full-time program specialist assigned to the program and engages fiscal management staff through FEMA's Grants Program Directorate as needed. FEMA also serves as the chair and alternate chair for the National Board, provides legal counsel as well as the services of the Office of Inspector General as needed and upon request.

The transfer of the EFS from FEMA to HUD will align the EFS with other McKinney-Vento Homeless Assistance Act programs administered by HUD. This transfer is proposed to take effect in 2015 and is intended to increase the coordination and consolidated reporting on assistance to populations with severe economic needs.

FEMA is presently engaged in meeting all required program and grant processes to award the FY14 funds to the National Board.

Mr. PRICE. Thank you. That will be helpful, and anything else that will help us on this decision.

Thank you, Mr. Chairman.

Mr. DENT. Thank you, Mr. Price.

At this time, I recognize the gentleman Mr. Fleischmann.

#### PUBLIC ASSISTANCE ALTERNATIVE PROCEDURES

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Mr. Administrator, in January 2013, President Obama signed into law the Sandy Recovery Improvement Act. One of the goals of this legislation was to reduce the amount of red tape communities need to go through after a disaster to begin rebuilding as well as speed up the recovery process and save the Federal Government money, all good goals and goals we need to strive towards.

One of the law's provisions created greater flexibility within the Public Assistance Program. FEMA has implemented a pilot program, known as the Public Assistance Alternative Procedures. Can you please provide the subcommittee with an update on how this pilot program is going, sir?

Mr. FUGATE. We are moving along in implementing it. Again, under the pilot, we have very large projects that are going through the obligation process currently as a result of Hurricane Sandy. The gist of it is, prior to the change in that, we could only refund actual costs. That meant that project management took a long time.

So an example in your district, if you had a fire station that wasn't insured and it was destroyed, rather than just getting an estimate of what it would take to replace that fire station and then issuing the grant for the community to rebuild that fire station, we would go through every plan change, every design change, and we would only reimburse them as work was done. We would have to send inspectors out to make sure that rebar was actually being used and that any costs associated with that project were what was priorly approved, very bureaucratic, very slow. Again, the goal here is to make sure due diligence of the people's money. Actual costs.

By giving us the ability to do an estimate, we can agree to—and this isn't hard to do. Insurance companies do it every day. Governments do it every day when they put a bid out to build a fire station. If it was destroyed and eligible, why can't we do the similar process? Let's get a bid for that fire station to replace it. Let's agree upon that. Let's write the grant. Let's pay it. Allow the community to build that fire station. If they want to move it somewhere, do not penalize them. It may make sense to move it. Our previous program would not always agree to that.

So this is really about not increasing eligibility, but speeding up that process to ensure that those eligible projects are fully funded to an agreed amount that they can move forward with that, based upon an estimate versus actual cost.

Mr. FLEISCHMANN. Thank you, sir.

Can you approximate how many public assistance applicants have taken advantage of this alternative?

Mr. FUGATE. The number is changing. Initially, there was some concern. It was a new program. We have several very large projects. As far as dollar figures go, those dollar figures in the

projects that are currently being approved will be in the billions of dollar.

The total number of applicants I will get to you. It will not be the largest number, because these are for projects over \$1 million, and they tend to be the large, complex projects. But you will see that the dollar figure associated with the alternative projects, particularly in New York, there are going to be some very large projects coming through the system, that when we do our notifications, you will see that those move through the \$1 million queue for notifications to Congress, and that will be an indicator that we have reached the agreement, finalized that, and are waiting the final clearance to authorize to make those payments. And that is occurring. As we are speaking, this process is moving.

[The information follows:]

PA Pilot Program

**Congressman Fleischmann:** One of the law's provisions created greater flexibility within the Public Assistance Program. FEMA has implemented a pilot program, known as the Public Assistance Alternative Procedures...

Can you approximate how many public assistance applicants have taken advantage of this alternative?

**Administrator Fugate:**

The chart below displays the number of subgrantees and subgrants under FEMA's pilot programs for Alternative Procedures for Debris Removal and Alternative Procedures for Permanent Work:

	<b>Debris Removal Alternative Procedures</b>	<b>Permanent Work Alternative Procedures</b>
<b>Subgrantees</b>	568	40
<b>Subgrants</b>	752	84

Mr. FLEISCHMANN. Okay. So you would say not many applicants, but on larger dollar projects, so it would be a lot of dollars involved.

Mr. FUGATE. We have small project thresholds, and we have our normal program, and then we establish \$1 million for these larger projects. And the tendency, the advantage to the applicant is the more complex the project is, the better the estimating works. But part of this was educating our grantees, getting them comfortable with this, so that they felt they were actually getting what they needed. There was some concern about using estimates, well, what if there were additional costs identified later? What if they didn't have the actual cost, if they ended up being short on that? I think there is much more confidence in the system we are presenting because of those answers we are doing on the front end with subject matter experts to ensure that that project is fully funded.

Mr. FLEISCHMANN. What impediments have you run into in this program in regard to its implementation?

Mr. FUGATE. Well, it is new, and there is always the concern, and as a State person, I would have the same concern. What if I agree to a project and then discover eligible damages later? Would I not be able to get that funded? If I am doing actual costs, I can. But that is why we say, look, we are not just basing this upon any estimate. We want to have licensed engineers, licensed architects, people of record, just like you would go bid for a contract. Once you bid for that contract and put your seal on it, you own it. So you want to make sure you do your due diligence on the front end.

That is why we are taking the steps to ensure that we get that due diligence. But just like any other bid a company accepts, once you accept the bid, it is binding. So we want to make sure we do the work on the front end to get that to that project, but then provide the freedom to the applicant once that agreement is reached. You want to change the color of the paint on the walls, FEMA should not have to have a signoff on that. You want to move the station 5 foot in one direction, we shouldn't sign off on that. If you decide you need to build the fire station bigger, it shouldn't require another signoff, because we have already approved what was eligible and you are able to go forward and get it built and get that fire station back in that community.

Mr. FLEISCHMANN. Thank you, sir.

Mr. Chairman, I yield back.

Mr. DENT. Thank you, Mr. Fleischmann.

At this time, I recognize the gentlelady from California, Ms. Roybal-Allard.

#### URBAN AREA SECURITY INITIATIVE: ALLOCATIONS

Ms. ROYBAL-ALLARD. Mr. Fugate, first of all, let me thank you for the 2014 UASI grant allocation to Los Angeles. I understand that my colleague, Congresswoman Lowey, already asked about the criteria that you used in selecting which cities would be eligible for UASI grants. I would be interested also in knowing the formula that you used in actually allocating money to the cities in the program. Can you elaborate on that or maybe submit it for the record?

Mr. FUGATE. Parts of it we can submit for the record and part of it I can provide it for you. Part of it does provide intelligence information that is factored into developing the threat stream. But

what we do is we have been using a formula base of risk that uses everything from populations, critical infrastructure, vulnerabilities, as well as known threats, intelligence, that may suggest or have information about how communities have been described by potential adversaries, and then we rank them.

The question that I have been asked is, well, how did we go from 25 to 39? When we did the formulas, and you gave us 25, we went down that list and when you got to 25, we cut it off. But the differences between 25 and 26 were negligible, but you gave us a hard 25.

When you run these formulas, and, again, we don't design the formulas to limit it only to 15 cities. We run these formulas, and what we found is there are certain groupings. The top tiers very obviously stand alone. Once you get in about the middle, there is not much separating. So now the distinction of which of these fall off or fall in, and because the grouping is very similar, there is no clean obvious break. So we use what breaks you did see in those models. And we made a decision. We made a recommendation to the Secretary. The cities that were funded, many of them had been urban security areas prior to that and had dropped off the list when 25 didn't qualify. But when you ran the current formulas, they were still ranking higher.

Again, we were charged with looking at the 100 metropolitan areas to always evaluate and continue to evaluate the risk and the threat. And using these formulas, we got down to the grouping, about 39 all fell into certain ranges. So we made a conscious decision to fund the higher tiers at much higher levels. As we got down to the bottom where there was no clean distinction, we gave one group an average of \$3 million and the next group was given \$1 million, more to sustain their capabilities.

But there wasn't that clean distinction that said you are stopping here. It would be, again, showing you the formulas and showing those breakouts. If you give me a hard number, I run the same formula, and if it says 20, it stops at 20 and no matter what the difference is between 21 and 20. But running the formula is not giving us a hard cap. We found that in grouping, there is not enough distinction really to call out and say it is easy, 25 and you can stop. Twenty-five and 26 there is not that much difference. Twenty-six to 30, 30 to 39, they are much grouped and very similar scores in that.

So if we wanted to design something that said, okay, we only want to fund a certain amount, then if you gave us a hard number and we are looking at the formula factors, that is where it would stop. But that was the rationale again. I know there is concern that that list grew, but it is because you move into the middle, there are no clear distinctions and you had very common issues across those that we made the decision to provide some funding to continue previous work.

Ms. ROYBAL-ALLARD. So you will submit anything additional?

Mr. FUGATE. Yes.

[The information follows:]



UASI Grants Allocation/Criteria

**Congresswoman Roybal-Allard:** Mr. Fugate, first of all, let me thank you for the 2014 UASI grant allocation to Los Angeles. I understand that my colleague, Congresswoman Lowey, already asked about the criteria that you used in selecting which cities would be eligible for UASI grants. I would be interested also in knowing the formula that you used in actually allocating money to the cities in the program. Can you elaborate on that or maybe submit it for the record?

**Administrator Fugate:**

In its administration of the Urban Area Security Initiative grant program, and pursuant to provisions of the *Homeland Security Act of 2002*, (Pub. L. No. 107-296), DHS conducts an annual risk assessment of the Nation's 100 most populous Metropolitan Statistical Areas. These annual assessments look at each area's threats, vulnerabilities, and potential consequences either contributing to or resulting from terrorist events. The data used in the risk assessment are collected primarily from publicly available sources or our DHS partners. The data are refreshed on an annual basis to ensure that we are using the most current risk information to inform Urban Area Security Initiative eligibility and funding allocation decisions. Based on the information garnered from these risk assessments, and the amount of available funding, Secretary Johnson designated 39 urban areas to participate in the Fiscal Year 2014 Urban Area Security Initiative grant program.

DHS understands that the Nation's urban areas face diverse risks, and we make every effort to capture this diversity as part of each year's risk assessments. The risk methodology assesses the threat, vulnerability and consequence of a potential terrorist attack in major urban areas to produce a relative ranking of the 100 most populous Metropolitan Statistical Areas. DHS also conducts an annual Metropolitan Statistical Area risk validation process as part of the overall risk assessment process in which each of the 100 most populous Metropolitan Statistical Areas receives an individual risk profile and has the opportunity to provide comments and feedback.

Ms. ROYBAL-ALLARD. Okay. Thank you.

Mr. CARTER [presiding]. I don't believe the ranking member has any additional questions at this time.

Administrator Fugate, thank you for that very thorough presentation. It is deeply appreciated. I think this is an appropriate time to adjourn.

Thank you very much.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE John Carter**

**Administrator Craig Fugate, Federal Emergency Management Administration**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 Federal Emergency Management Agency Budget Request

March 26, 2014

**State and Local Grants**

**Question:** Please provide how the proposed new grant program will be implemented and how will it be competitive?

**ANSWER:** The purpose of the proposed National Preparedness Grant Program (NPGP) is to enable federal grant dollars to be used most effectively and efficiently to build and sustain the core capabilities associated with the five mission areas described in the National Preparedness Goal: prevention, protection, mitigation, response and recovery.

As the elected chief executive officers of their states, governors ultimately are responsible for the safety and security of their citizens and are best positioned to direct and oversee the collaboration needed to allocate federal homeland security grant dollars in a way that strategically addresses the core capability requirements identified via their state's Threat and Hazard Identification and Risk Assessment (THIRA), as reflected in their State Preparedness Report. The proposed consolidation will allow the allocation of grant dollars to address the highest-priority needs in a way that is not possible under the current structure of disparate "stove-piped" grant programs that target specific disciplines and sectors of the economy.

FEMA recognizes that the capabilities states rely on to prevent, protect against, mitigate, respond to and recover from the threats that pose the greatest risk to their citizens are largely maintained and sustained by local governments. FEMA also recognizes that certain urban areas have unique security requirements given their high populations, high concentrations of critical infrastructure, and the potential catastrophic consequences of an incident taking place within or near their boundaries.

**Governance:**

- The FY 2015 NPGP builds upon existing state, territorial, and local governing structures such as Urban Area Working Groups, Transit Security Working Groups, etc.
- The Administration envisions a collaborative process that breaks down stovepipes among various stakeholders and provides all grantees enhanced awareness of initiatives in the state, territory, and region as well as overall strategic direction and priorities.

- While FEMA can neither mandate nor prescribe a specific governance structure, states will be required to submit with their grant applications a description of the governance structure and processes used to determine their investment priorities.

#### **Competitive Funding:**

- FEMA proposes to introduce a competitive funding element as part of the National Preparedness Grant Program (NPGP) to incentivize investments in capability requirements identified through FEMA regional THIRAs and assessments of the State Preparedness Reports and the National Preparedness Report.
- Regional capability gaps will be published in the Funding Opportunity Announcement (by region), and competitive applications will be accepted from states, urban areas, or other eligible recipients to address those regional priorities.
- Competitive applications will be scored first at a regional level and again by a national peer review panel.

#### **Emergency Management Assistance Compact**

**Question:** What level of funding is in the FEMA base budget for the Emergency Management Assistance Compact (EMAC)? What level of funding has been provided for EMAC from FY08-14?

**ANSWER:** The level of funding in the FEMA base budget year for the Emergency Management Assistance Compact (EMAC) is \$ 1,145,000.00.

EMAC was not funded during FY08, FY09, or FY11. Total funding amount for FY10, FY12, FY13 and FY14 is \$ 10,012,000.00, as follows:

FY	2010	2012	2013	2014
Amount	\$ 4,000,000.00	\$ 2,012,000.00	\$ 2,000,000.00	\$ 2,000,000.00

#### **Disaster Support**

**Question:** Please provide a spend plan for the disaster support account for FY 14 and estimate spend plan for FY15.

**ANSWER:** Please see Attachment #1. DRS spend plans are finalized once appropriations are enacted. Consistent with previous years, the FY 2015 DRS spend plan will be submitted after enactment of the FY 2015 appropriation.



# Disaster Readiness and Support: FY 2014 Expenditure Plan

May 30, 2014

Fiscal Year 2014 Report to Congress



Department of  
Homeland  
Security

Federal Emergency Management Agency

## Message from the Administrator

May 30, 2014

I am pleased to present the following “Disaster Readiness and Support: FY 2014 Expenditure Plan,” which has been prepared by the Federal Emergency Management Agency (FEMA).

In response to language set forth in the *Fiscal Year (FY) 2014 Department of Homeland Security (DHS) Appropriations Act* (P.L. 113-76) and accompanying House Report 113-91 and Senate Report 113-77, the report provides details on FY 2014 disaster readiness and support (DRS) funding activities.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable John R. Carter  
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable David E. Price  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Mary L. Landrieu  
Chairman, Senate Appropriations Subcommittee on Homeland Security

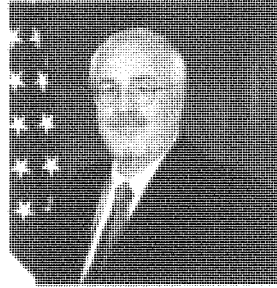
The Honorable Daniel Coats  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries relating to this report may be directed to me at (202) 646-3900 or to the Department’s Acting Chief Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Craig Fugate', with a long horizontal flourish extending to the right.

W. Craig Fugate  
Administrator  
Federal Emergency Management Agency



## Executive Summary

The following is the FY 2014 DRS expenditure plan. This submission meets the requirement for an annual spend plan submission.



Disaster Readiness and Support:  
FY 2014 Expenditure Plan

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## I. Legislative Language

This document responds to legislative language set forth in the *FY 2014 DHS Appropriations Act* (P.L. 113-76) and accompanying House Report 113-91 and Senate Report 113-77.

P.L. 113-76 states:

*Provided*, That the Administrator of the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds made available in this or any other Act for disaster readiness and support not later than 60 days after the date of enactment of this Act.

House Report 113-91 states:

A report on the expenditure of funds for disaster readiness and support, including quarterly updates, is required, as in previous years.

Senate Report 113-77 states:

The Committee includes bill language requiring an expenditure plan and quarterly reports for disaster readiness and support costs ...

II. Disaster Readiness and Support (DRS) Spend Plan

The following data depict FEMA's DRS spend plan for FY 2014.

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
1	Office of Response & Recovery (ORR)	Federal Coordinating Officers (FCOs), S&B Only	The mission of the Office of FCO Operations is to lead, train, equip, and manage FEMA's FCOs to ensure their availability for rapid deployment in response to any disaster; to deliver training to develop and sustain FCO professional competencies; and to coordinate FCO assignments to meet the on-scene needs of FEMA and its emergency management partners.	\$ 2,697,126	\$ 3,950,500
2	ORR	FCOs (Program Operations)	The mission of the Office of FCO Operations is to lead, train, equip, and manage FEMA's FCOs to ensure their availability for rapid deployment in response to any disaster; to deliver training to develop and sustain FCO professional competencies; and to coordinate FCO assignments to meet the on-scene needs of FEMA and its emergency management partners.	\$ 281,436	\$ 708,000
3	ORR	Federal Disaster Recovery Coordinators (FDRCs)	Funds will support 10 FDRCs in support of the National Disaster Recovery Framework (NDRF). Funds will be used for salaries and benefits and program expenses to provide technical assistance to states and communities for pre-disaster recovery planning in support of the NDRF. (Includes Program and S&B)	\$ 990,125	\$ 2,160,500
	ORR Total			\$ 3,968,687	\$ 6,819,000
4	Logistics Management Directorate (LMD)	Logistics Supply Chain Management System (LSCMS), formerly Total Asset Visibility (TAV)	LSCMS addresses Section 636 of the Post-Katrina Emergency Management Reform Act, which mandates that FEMA LMD provide "an efficient, transparent, and flexible logistics system for procurement and delivery of goods and services necessary for an effective and timely response to natural disasters." LSCMS also supports Recommendation 38 from the President's report on Hurricane Katrina to provide full disaster logistics supply chain visibility to FEMA and its partners. LSCMS supports FEMA's mission of responding to all hazards expeditiously and efficiently by managing the Nation's end-to-end supply chain of critical disaster assets and commodities. LSCMS manages the supply chain process including: initial request for assets and commodities, orders to FEMA and partners, transportation, inventory management at FEMA locations, shipment and receipt by the states. LSCMS provides situational awareness and in-transit visibility through reporting and Geographic Information Systems mapping capabilities.	\$ 24,694,841	\$ 22,000,000

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
5	LMD	Temporary Housing Units (THU) National Sites	The THU budget includes the following: travel to support readiness; rents/leases/utilities for 2 enduring sites; work force, grounds maintenance and other miscellaneous expenses; telecommunication expenses and information technology (IT) equipment purchase/rental; and contract services. Return of investment for FEMA's readiness cost falls into one area, a fleet of ready for dispatch units capable of rapid deployment. The ISB training funds are required to facilitate training and validate exercises/events for the National THU Staging and ISB.	\$ 3,622,259	\$ 3,623,000
6	LMD	THU/incident Support Base (ISB)		\$ 91,364	\$ 95,000
7	LMD	Training THU and ISB/Command/Control (C2) Trailers	Funds are required to purchase 6 low boy trailers that will carry ISB C2 40' containers. The ISB C2 cache is necessary to receive all life-saving and life-saving commodities in support of a disaster. The C2 unit houses personnel, power and communications equipment that will enable the timely processing of commodities as they are received and/or distributed to the affected state/local government. Without a dedicated trailer, the ISB C2 unit will be delayed in responding to a disaster because trailers must be ordered and then unloaded with the 40' container for transport. ISB C2 equipment is required to be in place within 24 hours. A dedicated trailer will enable this timely deployment.	\$ 75,000	\$ 75,000
8	LMD	Emergency Evacuation Contracts (Air, Rail, Bus, and Ambulance Readiness)	The Major Readiness Contracts (ambulance, motor coach, etc.) have been transferred to the Response Directorate. LMD is funding the two telecom specialists, and all related services associated with tracking assets. This includes: Global Positioning System telephone service, transportation of things, replacement batteries, charging towers, and travel. No funding is requested/approved in FY 2014.	\$ 747,926	\$ -
9	LMD	Life-cycle Commodities at Distribution Centers (DCs)	The FY 2014 request is required for the replenishment of expiring perishable disaster response supplies i.e., meals and water needed for immediate response to emergency events. Funding in the amount of \$428,000 is budgeted for commonly used sheltering items such as infant and toddler kits, and consumable medical supplies. This funding allows for the positioning of FEMA's meals, water and infant and toddler kits for disaster survivors and is a key component of LMD readiness.	\$ 2,014,589	\$ 2,100,000
10	LMD	Interagency Agreement (IAA) with General Services Administration (GSA)	This is an IAA that allows GSA, on behalf of FEMA, to purchase numerous types of commodities (such as cots, blankets, tarps, Joint Field Office (JFO) kits, administrative items, computers, and printers) during and after an event. Maintaining funding on this IAA offers FEMA the ability to maintain stock levels and respond to disaster requirements long before surge funds are in place or an official declaration is made.	\$ 1,061,903	\$ 1,100,000
11	LMD	Generator Contract	Funds for the National Generator Maintenance Contract are to cover the cost of maintaining 750 generators at the continental U.S. DCs. Funding for the National Generator Maintenance contract will allow for more efficient management and oversight of a critical operational aspect of LMD readiness which will include preventive maintenance and services.	\$ 1,979,255	\$ 1,931,000

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
12	LMD	Preposition Disaster Assets-Vehicle Maintenance Contract	The Vehicle Maintenance Contract is for vehicle and equipment maintenance on a wide variety of organic FEMA equipment. Approximately 1,635 FEMA-owned vehicles (includes ISB caches) will be inspected, repaired, and maintained to a safe and serviceable condition in accordance with manufacturer's specifications within the DCs, regions, and a mobile maintenance capability. The eventual degradation of these assets would be much more costly in repair or pre-mature life-cycle replacement than maintaining a safe and viable fleet that is afforded by this contract.	\$ 2,952,755	\$ 3,000,000
13	LMD	DC Atlanta DC Disaster Information Systems Clearinghouse (DISC) DC Frederick DC Caribbean DC Hawaii DC Ft. Worth DC Guam DC Moffett Field DC Caribbean Redo	LMD DC Caribbean has transitioned to a new location in Puerto Rico. Previously the DC was located in a sub-standard, inadequate facility in dire need of upgrading. Meals were stored temporarily in a facility donated by the Navy commissary. FEMA property was thus spread out to two separate facilities, which requires staff to travel between locations. The Navy requested that FEMA find an alternate solution to the storing of meals at its Commissary. GSA awarded a lease on a new 82,135-square foot facility located in San Juan close proximity to the international airport, seaports, and major interstate highways. The rent and tenant improvements for this site is currently included in the facilities budget.  LMD DC Atlanta, DC Frederick, DC Fort Worth, DC Guam, DC Moffett, and DC Hawaii support the LMD's strategic goals through the pre-staging, storing, maintaining, inventorying, and shipping and receiving of critical disaster response and recovery assets, and provide logistical support.  The mission of the LMD DC DISC is to provide centralized accountability, storage, and maintenance of Fund Code 6 IT equipment, which allows for faster response times and efficiencies by the use of "recycled" equipment.	\$ 2,467,141	\$ 2,500,000
14	LMD	DC Hawaii DC (Additional Space)	The funds are required to acquire a minimum of 24,000 usable square feet of on-grade, paved yard space, located adjacent to the current location of the Hawaii DC. The Yard space will be used to securely store and perform maintenance on the fleet of generators currently housed in FEMA's Hawaii DC. The space also will facilitate the safe pre-staging, loading, and offloading of generators and other life-saving/sustaining commodities onto tractor-trailer size trucks. The space is required to be located adjacent to the current Hawaii DC to allow stored commodities to be moved by forklift to the yard space for loading or offloading while being monitored by the facility security personnel and camera system throughout the process. The yard space is required to be secured with fencing, have an entrance and exit that allows for large truck movement, have security lighting during hours of darkness, and allow for the installation of a security camera system.	\$ -	\$ 275,000

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
15	LMD	Meals Storage Facility	Funds were needed to extend the current contract for one full year in FY 2013. These funds will cover the leased space in Pulaski, Virginia, for storage of the 2,371,584 meals acquired during Hurricane Sandy. No funding is requested/approved in FY 2014.	\$ 719,520	\$ -
16	LMD	IAA with Defense Logistics Agency	Funding of a contract that the Defense Energy Support Center has with Foster Fuels. These funds are for two practice drills each year. This funding does not purchase any fuel. Maintaining funding in this IAA offers FEMA the ability to train for and exercise fuel response, which allows for greater efficiencies in response time.	\$ 25,000	\$ 25,000
17	LMD	IAA with U.S. Army Veterinary Command (VETCOM)	The annual VETCOM contract is designed to provide FEMA LMD with the capability for an independent outside agency to inspect 3-year "Shelf Stable Meals" to determine whether they can be extended beyond their original shelf-life date. If the meals can be extended, pre-positioning costs are decreased; if not, new meals will have to be purchased. This results in a more efficient strategy for restocking DCs and regional preposition sites.	\$ 25,000	\$ 25,000
18	LMD	Stafford Act Employee Training & Exercises	Funding is to support the non-FEMA Qualification System (FQS) training, travel, and other operational requirements for Stafford Act employees. This funding provides essential, non-FQS training to LMD employees, better preparing them for disaster response duties.	\$ 118,032	\$ 121,000
19	LMD	Preposition Disaster Assets - Responder Support Camps (RSCs)	RSCs provide federal, state, and local disaster responders a facility that provides shelter, food, and additional basic needs. The key component of the RSC program is the National RSC contract, which currently has four pre-selected vendors that compete for disaster task orders. Actual RSC task orders are funded using Disaster Relief Fund (DRF) funds. The new contract will improve FEMA's capabilities to provide an RSC for 100 people in 36 hours.	\$ 44,008	\$ 45,000
20	LMD	Reservist/EOPM/ IT Refresh	The DISC is responsible for supporting all JFOs, reservists, other federal agencies, FEMA Cadre of (On-call) Response Employees (CORE), state partners, and local hires with IT equipment, which includes laptops and iPADS for disasters. Approximately 3,400 laptops /tablets' operational level will be maintained to support the total combined number of laptops and iPADS maintained at the DISC. A life-cycle plan for laptops and iPADS equipment is every 3 years per the direction of the Chief Information Officer (OCIO). The DISC will maintain, account for, and issue all laptops and iPADS to the various disasters. Follow-on purchases are required to support life-cycle replacement with the understanding that, as FEMA gets more advanced, the makeup of what is to be carried and quantities of each may change, which could increase or decrease the amount of funding required. No funding is requested/approved in FY 2014.	\$ 2,228,861	\$ -

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
21	LMD	MHI Haul & Install/Maintenance & Deactivation/ Group Site	FEMA/ORR identified and approved 52 recommendations to improve oversight and management of housing operations; one of which was the transfer of responsibilities for haul, install, maintenance, deactivation, and group site contract management. Recovery and LMD currently are developing new contracts to begin performance in May 2014 after the current IA-Technical Assistance Contract (TAC) III contract expires.	\$ -	\$ 1,325,000
22	LMD	IAA with US Army Corps of Engineers (USACE)	MHI/USACR Contracting Officer's Representative (COR) training: An IAA between FEMA and USACE to provide FEMA/DHS COR training to 10 USACE personnel to support the execution of the Manufactured Housing Unit Haul/Install contract	\$ -	\$ 150,000
	<b>LMD Total</b>			<b>\$ 42,867,454</b>	<b>\$ 38,390,000</b>
23	Recovery	Damage Assessments & Validation Inspections (DA&VI)	In FY 2013, programs that supported DA&VI capabilities: (Housing Inspection Services (HIS), Automated Construction Estimator (ACE), Individual Assistance (IA), Preliminary Damage Assessments (PDAs), and Public Assistance (PA) PDAs) were combined. Funds used for operational preparedness for housing inspectors, equipment and platform support for tablets used by damage assessors, and automated construction estimator applications and server hosting costs used to perform damage assessments.	\$ 26,117,580	\$ 15,986,698
24	Recovery	Developers for IA Program Updates	Funds Operations and Maintenance (O&M) and disaster support for National Emergency Management Information System (NEMIS) IA, including Dup Investigation, Business Rules, ASTC Client, ASTC Web, HOMES, Admin Tool, Letters, Mail Utility, and Inspection Management Client and Web.	\$ 5,993,563	\$ 6,000,000
25	Recovery	National Processing Service Centers (NPSCs) Disaster Readiness Support	Funds support operation and maintenance required by the disaster assistance processing facilities that administer IA programs by registering applicants via telephone or Internet, verifying losses through on-site inspections, processing applications to determine assistance eligibility, and responding to applicant inquiries. Costs include disaster readiness contracts, planning, travel, equipment, and supplies.	\$ 1,365,014	\$ 1,555,136
26	Recovery	IA Disaster Readiness Support	Funding supports disaster readiness contracts, planning, travel, and equipment that ensure the delivery of IA programs under Emergency Support Function (ESF) #6, including costs to develop Mass Care/Emergency Assistance operational capacity to develop state and local housing plans, concept of operation/field operations guides, and standard operating procedures. FY 2014 funds will be used to design and build Next Generation Disaster Recovery Center Kits, including updated signage and customer focused supplies and equipment.	\$ 126,283	\$ 350,000

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
27	Recovery	NPSC Technical Support Under Enterprise Applications Development, Integration, and Sustainment (EADIS)	Funds support the Enterprise Data Warehouse (EDW), the central collection of electronically stored IA data. The EDW provides reporting and analysis capability necessary to fulfill requirements for all IA customers (HO, regions, NPSC, JFO, etc.) as described in the EADIS Contract objectives for EDW.	\$ 1,599,756	\$ 1,500,000
28	Recovery	Recovery Management Tools	Funds support six applications and activities. FY 2014 and beyond will focus on improving or replacing tools that support Disaster Recovery Center operations, housing information, National Disaster Recovery Program Database information, and Recovery's business intelligence data.	\$ 2,129,815	\$ 1,330,762
29	Recovery	Mass Care TAC (formerly IA & TAC)	Technical assistance contract to support the delivery of FEMA disaster recovery services under ESF #6, including mass care and emergency assistance and the establishment of disaster recovery centers, in the aftermath of a large-scale disaster or catastrophic event.	\$ 5,120,294	\$ 1,325,000
30	Recovery	PA TAC	The PA TAGs provide professional technical services in support of the PA Program such as architects, engineers, and other technically qualified professionals to evaluate damaged public facilities after presidentially declared major disasters and to work with FEMA and state and local officials on the development of a scope of work and cost estimate for the repair, replacement, or relocation of the facilities. Collected information is used to make eligibility determinations and process grants for PA applicants.	\$ 3,377,076	\$ 3,679,769
31	Recovery	Mail Operations	NPSC Mail Operations consists of managing inbound and outbound mail contracts for the Individuals and Households Program. Outbound mail includes copies of applications for all applicants who register, including the Applicant Guide, notification letters regarding eligibility determinations, and special mailings resulting from specific conditions/events (e.g., formaldehyde). Incoming mail consists of receipts, insurance documents, estimates for repairs, requests for additional rental assistance, etc. from applicants.	\$ 2,426,171	\$ 2,480,464
32	Recovery	Emergency Management Mission Integrated Environment (EMMIE)	EMMIE sustainment provides the Public Assistance Division with the technical expertise to complete sustainment work for the system development life cycle of the EMMIE E-Grants Module. Through the use of the Clear Quest tracking system, EADIS addresses system change request and defects.	\$ 2,993,139	\$ 2,993,139
33	Recovery	EMMIE Data Migration	Currently all PA grants processing is split between NEMIS PA, EMMIE, and the Automated Disaster Assistance Management System (NEMIS's predecessor). Although many grant applications are closed out, a significant amount of active grant applications, including those for Hurricane Katrina, still are in NEMIS PA. Data migration is a one-time cost and will not recur in subsequent fiscal years.	\$ 1,977,968	\$ -

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
34	Recovery	IAAs: Crisis Counseling and Training Program (CCP); Disaster Unemployment Program (DUS); & Disaster Legal Services (DLS)	Funds are used for annual contracts and IAAs with the U.S. Department of Health and Human Services, the U.S. Department of Labor, and the American Bar Association to deliver technical assistance, training, and program materials to support the implementation of the following Stafford Act programs on presidentially declared disasters: CCP, DUS, and DLS.	\$ 2,041,508	\$ 2,055,677
35	Recovery	Corporate Lodging Consultants (CLC) Payments to Landlords/ Hotel Authorization Code Intake	Funds readiness contract to manage the placement of disaster victims into hotels in the event of mass evacuations. The data exchange provided under the contract addresses concerns about potential waste, fraud, and abuse in hotel programs raised by the Office of the Inspector General and the U.S. Government Accountability Office during their audits of Katrina and Rita activities. Additionally, this contract allows CLC to make direct payments to landlords for Rental Assistance to ensure funds are used for their intended purposes and significantly reduces paperwork required for processing and providing rental assistance.	\$ 664,921	\$ 1,240,000
36	Recovery	NPSC Equipment Life-Cycle Maintenance and Updates	Funds used to update or replace equipment essential to maintaining level of service and increase capacity to match current technology. One third of each NPSC is refreshed each year.	\$ 1,105,576	\$ 1,106,674
37	Recovery	IAA/Internal Revenue Service (IRS) Surge Staffing Disaster Survivor Assistance	Funds support IAA with IRS Austin for AT&T service fee for 6 Point to Point Circuits for surge capacity at that facility when needed.	\$ 32,000	\$ 28,500
39	Recovery		Funds used to establish within Recovery, manage and provide leadership to the Disaster Survivor Initiative, including: developing course materials, delivering training, and managing the Disaster Survivor Assistance Cadre; identifying and utilizing technology solutions to support field operations; and performing education and outreach for a more survivor-centric approach to interacting with disaster survivors.	\$ 195,793	\$ 725,000
40	Recovery	Sandy Impacts DRS CORE	3 GS-13 COREs: 1) 2 to establish a Recovery doctrine system with the needed guidance to govern operations and create integrated policy and doctrine across Recovery program areas that are outcome focused from the perspective of the disaster survivors and communities, and 2) 1 to integrate and plan to codify roles and responsibilities to foster unity of effort as FEMA and emergency management transition from a single framework to multiple frameworks.	\$ -	\$ 129,157
41	Recovery	CORE employee training & equipment	Training includes individual development training requests, program area training, leadership, COITR, strategic planning, customer service, communications skills, team building, etc. Life-cycle equipment replacement for CORE's includes tablets, smartphones, lightweight laptops, and associated peripherals.	\$ -	\$ 475,000



ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
	Recovery Total			\$ 74,016,032	\$ 57,026,208
42	Response	Communication Integration	Communication Integration develops comprehensive and integrated federal, state, tribal, and regional communications plans to ensure that FEMA is well integrated with emergency managers during response and recovery efforts nationwide. Operational communications planning includes the development of state communications annexes, integrated regional plans, updated National-level contingency plans, and development of pre-scripted mission assignments to generate and allocate capabilities and services during response operations. Communication Integration works to build doctrine and policies that provide the means and methods for using FEMA capabilities alongside mission partners and response customers. The program staff works to provide enabling coordination of capabilities and services used in support of the actions that external partners might take while building a comprehensive communications support infrastructure.	\$ 3,118,214	\$ 3,047,000
43	Response	Mobile Communications Office Vehicles (MCOV)	The MCOV Program delivers operational communications in the form of multi-purpose central office vehicles activated to support FEMA response and recovery disaster missions. Legacy thirty-nine foot long recreational vehicles and future next generation MCOV units are modified and retrofitted with state-of-the-art wireless communications to provide extended voice and data connectivity for users in rural and urban environments. During initial deployment, MCOVs are driven by federal team requirements, to include support to Federal Logistics ISBs. Follow-on mission support is to Recovery/IA as deployed Mobile Disaster Recovery Centers (MDRCs). MCOVs provide a seamless transition from response to recovery phases using reliable mobile platforms to provide incident-level communications support to the public.	\$ 1,856,018	\$ 1,844,000
44	Response	FQS Program	The FQS Program works to establish the system for qualification and certification of the FEMA workforce through experience, training, and demonstrated performance; ensures a qualified workforce based on performance standards; establishes minimum, consistent, and fair qualification requirements for all workforce positions regardless of employment status; and works to strengthen the training and qualification standards for all workforce positions by implementing improvements based on analysts.	\$ 18,214,968	\$ 21,937,284

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
45	Response	Incident Qualifications and Certification System (IQCS)	<p>IQCS will contain the data to verify that every FEMA employee has the required disaster experience, training and demonstrated performance to serve in an incident management or incident support position. FEMA's use of IQCS leverages an existing federal investment, supports other federal departments and agency certification programs, and can support FEMA's FQS requirements in its existing format and be modified to meet specific requirements. IQCS tracks employee FQS job titles and proficiencies, records incident support and incident management work experience and demonstrated performance, identifies the FQS qualifications of every FEMA employee, maintains qualification related training records, certification and licensing requirements and Position Task Book status and will enable FEMA to analyze workforce requirements by disaster type, size and location; to assess force structure and incident workforce requirements across programs and to estimate training costs.</p> <p>The Deployment Program implements, manages, and improves standardized deployment processes for all-hazards response and provides personnel visibility and oversight of deployment processes including the tracking of personnel during pre-event, event, and post-event cycles of an incident as well as managing and administering the Automated Deployment Database (ADD), the personnel deployment system for the incident workforce and the surge capacity force throughout the entire spectrum of FEMA's preparedness, response, recovery, and mitigation missions.</p>	\$ 779,153	\$ 1,041,651
46	Response	Deployment Program	<p>The Integrated Disaster Workforce Management Information System will replace the Automated Deployment Database. The prototype database will include personnel information, deployment records, FQS job titles and proficiencies, specialty skills and languages, work and training history, and deployment availability and will identify FQS qualifications for FEMA employees and FEMA Corps members. The system will allow FEMA to manage, implement and improve standardized deployment processes for all-hazards response and provide oversight of deployment including the tracking of personnel during pre-event, event, and post event cycles of an incident.</p>	\$ 1,655,997	\$ 164,800
47	Response	Integrated Disaster Workforce Management Information System	<p>The Federal Surge Capacity Force Program manages and coordinates all aspects of cadre and surge readiness and provides oversight for the surge and volunteer workforce programs that will ultimately roster more than 40,000 employees within the Department. The program staff assesses force structure and coordinates activities with FEMA leadership and key program officials. The staff coordinates directly with Departmental headquarters and component agencies on surge capacity force selection, training, exercises and readiness, manages all facets of external surge capacity force training requirement validation, accountability of individual and cadre/surge readiness status, and manages the program</p>	\$ -	\$ 2,385,271
48	Response	Federal Surge Capacity Force Program		\$ 605,386	\$ 600,480

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
49	Response	Reservist Management Program	The Reservist Management Program provides the communication, coordination, and outreach of workforce procedures and program guidance to the National and regional cadre managers and liaisons on workforce deployment, readiness, and the FQS. The program staff guides the creation of IT systems that support the deployment, recording, tracking, and reporting of FQS, medical assessment, communicating, coordinating, and strengthening partnerships and for working with regional operations to ensure effective relationships and for working between FEMA Headquarters and regions. The staff sponsors and develops routine communications via monthly conference calls, office visits, and other media and works with the FEMA Assessment Readiness Program F-RAP team to develop surveys and other tools to assess customer fulfillment and satisfaction.	\$ 5,315,986	\$ 9,513,948
50	Response	National Evacuation Support	National Evacuation Support provides FEMA with the ability to plan, execute, and exercise multi-modal evacuation capability in the event of catastrophic disasters. Program activities address evacuation capabilities by motor coach, rail, air, and ambulance. The program consists of an ambulance contract, which provides for the evacuation of medical/mobility challenged persons, motor coach planning and operational support contract (National bus evacuation), which provides detailed and robust pre-event bus evacuation planning efforts in support of states; air evacuation ground support contract, which provides airfield assessments and operational planning to pre-identified airfield evacuation points; provides ground and passenger support services during a disaster, and air transportation support services contract, which provides turnkey air support in the event of a disaster (both evacuation and non-evacuation). Together, the National Evacuation Support program provides the full-spectrum (planning, readiness, execution) support to states requiring federal assistance to evacuate all populations in threatened areas	\$ 3,765,653	\$ 5,035,000

ITEM #	OFF/PROG Response	PROJECT FEMA Corps Program	DESCRIPTION	FY 2013 ACTUALS \$	FY 2014 SPEND PLAN \$
51			The FEMA Corps Program is a partnership between FEMA and the Corporation for National and Community Service (CNCS) which establishes an AmeriCorps component within FEMA of 1,600 members to support the whole community approach to disaster management operations. The partnership leverages CNCS infrastructure, training programs, community-based experience and staff to provide a reliable, full-time, energized and motivated staff within FEMA disaster management operations. The program strengthens the Nation's capability to prepare for, respond to and recover from disasters, promote an ethos of community and national service by focusing on community engagement, and increase the depth, reliability, diversity and stability of the FEMA disaster workforce. The program will allow members to leverage newly-learned skill sets in applying for positions in state and local governments, non-profit organizations and the private sector that may relate to emergency management and will promote efficiency within the Federal Government by enhancing the scalability, flexibility and adaptability of the FEMA workforce.	\$ 30,587,020	\$ 37,604,004
52	Response	Incident Workforce Management Division	The Incident Workforce Management Division (IWMD) Management and Administration (M&A) provides the funding for the IWMD front office staff and shared overhead. IWMD is responsible for the management and coordination of FEMA's disaster workforce programs, and deploys and supports a professional disaster workforce of personnel ready for the National, all-hazard response needs of FEMA headquarters and regional leadership and assists in the deployment of responders from FEMA's full-time workforce and the DHS-supported surge capacity force when required. IWMD manages the workforce programs in support of FEMA's mission to support our citizens and first responders.	\$ 209,631	\$ 54,300
53	Response	Incident Management Assistance Teams (IMATs)	Incident Management Assistance Teams (IMATs) provide the initial national rapid response to major incidents, disasters, special events, and exercises. The primary mission of the IMATs is to rapidly deploy to an incident or threatened area, state, or FEMA Region to identify and satisfy initial requirements for federal assistance. IMATs coordinate and integrate inter-jurisdictional response in support of the affected states or U.S. territories. IMATs provide initial situational awareness for federal decision-makers, and support the initial establishment of a unified command. IMATs provide multi-disciplinary needs of emergency management and may include members from the inter-agency community. <i>Includes S&amp;B for 25 percent of non-deployed time.</i>	\$ 2,347,300	\$ 12,466,883

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
54	Response	Incident Management COREs (IM COREs)	IM CORE Program was established to support FEMA's Workforce Transformation goal by providing qualified personnel available to deliver high quality response and recovery services. A comprehensive analysis of field operations demonstrated a need to ensure continuity and availability of specific FQS position. To that end, IM CORE personnel were hired for the purposes of conducting middle management/incident management work year round in support of active disasters. FEMA is currently in the process of hiring 437 IM-CORE personnel for the purposes of conducting middle management incident management positions to work, year round. To date, 106 personnel have received an Entry of Duty (EOD) and 71 have on-boarded. <i>Includes S&amp;B for 23 percent of non-deployed time.</i>	\$ -	\$ 1,738,805
55	Response	National Level Exercise(s)	Funding to support new IMAT CORE teams' travel and overtime for National Level Exercise (NLE).	\$ 700,000	
	<b>Response Total</b>			<b>\$ 68,433,326</b>	<b>\$ 98,073,426</b>
56	Mission Support Bureau (MSB)	Acquisition Oversight and Strategic Support – Pro Trac	AAMS is FEMA's official contract writing system. It allows contracting personnel to generate and modify contract documents, as well as track and report on procurement actions and expenditures. AAMS is interfaced with FEMA's financial system, IFMS that sends and receives data on funding commitments and funding obligations.  OCPO's contract for the AAMS system—which includes the renewal of subscription licenses, the helpdesk, user training sessions, and system upgrades—is funded with a combination of Management and Administration (M&A) and DRF appropriations.	\$ 719,000	\$ 719,008
57	MSB	Manage Procurement Operations-Contract Closeout	The requests allow OCPO to close out an estimated 200 additional disaster support contracts within pre-determined timelines. Contract closeout provides a substantial return on investment. Historically, for every \$1 spent on contract closeout, \$58 is made available for immediate mission needs.	\$ 531,179	\$ 543,000
58	MSB	Manage Procurement Operations-Disaster Assistance Response Team (DART)	This team is responsible for traveling to the disaster and assisting the regions in administering disaster related contracts. When not deployed in a disaster, these DART team members are responsible for assisting in contract administration and contract closeout	\$ 5,110	\$ 36,600
59	MSB	Mail Equipment and Delivery Services	This is funding for the mail equipment kits and a contract for domestic and ground delivery services.	\$ 125,000	\$ 125,000
60	MSB	CORE Transit Subsidy	In accordance with determination made by FEMA Office of General Counsel, transit subsidy benefits now payable to COREs	\$ 467,748	\$ 520,306
61	MSB	Centrally Managed-Postage	Postage to U.S. Postal Service	\$ 2,750,000	\$ 2,750,000

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
62	MSB	Centrally Managed-Printing	This activity funds printing of the Office of the Chief Counsel (OCC) CFR 44 which is shipped to disaster locations. OCC is mandated to provide multiple copies of CFR 44 to all active disaster JFO's, AFO's, JTRO's and disaster support activities, such as MERS, IMAT, and Distribution Centers. FY 2014 amounts reflect GSA rent.	\$ -	\$ 350,000
63	MSB	Facilities GSA Rent: GSA Leases	FY 2014 amounts reflect non-GSA rent locations.	\$ 29,458,764	\$ 29,458,764
64	MSB	Facilities GSA Rent: Non-GSA Leases		\$ 3,503,333	\$ 3,503,337
65	MSB	HCD-Management Oversight	Office of the Chief Component Human Capital Officer (OCCCHO) provides the management and administration support of the agency's human resources for all FEMA Stafford Act Employees (SAEs); more than 10,000 employees. Located at the Winchester, Virginia, location this operation provides for the full range of personnel support functions from recruitment, employment in-processing and on-going personnel services support. This operational budget resource ensures SAE personnel services support to the agency.	\$ 71,732	\$ 2,575,050
66	MSB	Occupational Safety & Health	IAA with Federal Occupational Health, which includes health units, vaccinations, Automated External Defibrillator program, respirator medical clearance and support, sanitation services, and third party technical reviews. Maintain disaster go-kits for National Disaster Safety Officer Cadre. Maintain analytical equipment including annual calibration of indoor air quality monitors, moisture meters, sound level meters, and Volatile Organic Compound monitors. Temporary health units, vaccinations, and other medical related supplies. Disaster go-kits for National Disaster Safety Officer Cadre. Annual maintenance of analytical equipment. Annual professional qualification and certification training for Disaster Safety Officers.	\$ 120,769	\$ 527,718
67	MSB	National Archives & Records Administration (NARA)	FEMA is required to by law to transfer all federal records to NARA.	\$ -	\$ 208,500
68	MSB	Security Guard Services-Disaster Support Facilities	Federal Protective Service Contract guard services for fixed disaster support facilities. Other facilities may be added throughout the fiscal year. As facilities come on line from specific disaster to disaster support status funding will be requested from Office of the Chief Financial Officer (OCFO).	\$ 9,815,417	\$ 10,859,000
69	MSB	Office of Personnel Management (OPM) Background Investigations (BIs)	In accordance with Homeland Security Presidential Directive (HSPD) 12 all FEMA employees and contractors must have a BI. Funds cover BIs for new hire CORE and non-specific disaster employees and periodic reinvestigations of CORE and non-specific disaster employees.	\$ 2,887,500	\$ 2,165,625

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
70	MSB	OPM BIs for Disaster Reservists Transformation Project (DRTP) support	In accordance with HSPD 12 all FEMA employees and contractors must have a BI. Funds cover BIs in support of DRTP with a projected case load of approximately 2,500 investigations to be done to include all three phases of the project. Using our previous standard for estimating cost of 80/20 for Moderate and High Risk, and including costs for FP and IC pulls for EOD determination, come up with about \$3.3M.	\$ -	\$ 2,475,000
71	MSB	OPM BIs - OPM Mandate	In December 2011, OPM regulations changed to require Public Trust periodic reinvestigations to occur on a five-year cycle making the previous 10 year cycle obsolete in accordance with 5 CFR 731	\$ -	\$ 1,725,000
72	MSB	DRTP O&M support	Operations Cost incurred by OCSO in support of the DRTP to include equipment, office stand up cost, direct operations and travel for badging	\$ -	\$ 63,380
73	MSB	OCSO-Support Staff for DRTP	Support Staff for OCSO to include 30/15 contractors and CORE's, FY 2014 includes on 15 contractors for 6 months and CORE's.	\$ -	\$ 1,231,511
74	MSB	FBI Fingerprints	In accordance with HSPD 12, all FEMA employees and contractors must have a BI. FEMA processes fingerprints for all employees and contractors prior to employment	\$ 280,000	\$ 280,000
75	MSB	ADT National Maintenance Contract	The purpose of the National Maintenance Contract is for maintenance, and inspection of FEMA Fixed facilities, which is based on a 4 hour response and maintenance charge. ADT National Contract/NCRC control access equipment/NCRC/ICPP Equipment	\$ 527,719	\$ 571,000
76	MSB	X-Ray Machines	Maintenance contract with AS&E to provide scheduled Preventive Maintenance (PM) on 30 X-Ray machines on a semi-annual basis during the contract period.	\$ 80,060	\$ 80,060
77	MSB	Business Systems Investment	Centrally Managed DRKS portion of the costs for EAAS Data Center O&M	\$ 1,200,000	\$ 1,328,000
78	MSB	Software Development & Integration	Develop, test, integrate, and sustain Agency IT software solutions to support mission, business, and IT enterprise capabilities for modules of NEMIS to include DMARTS, DAT DQSC, ISAAC, GFI, ECAP'S, HGM&P and other systems.	\$ 6,507,844	\$ 7,304,000
79	MSB	Architecture, Engineering and Enterprise Services Branch	Design and implement Agency IT hardware solutions for network, video, teleconferencing, and provide enterprise-level services Geographic Information Systems, and application testing.	\$ 12,430,069	\$ 4,298,950
80	MSB	DHS ELAS OCIO Licenses	DHS ELAS OCIO licenses. Funds moved from line item #65	\$ -	\$ 5,444,423
81	MSB	DHS ELAS Centrally Managed	DHS ELAS Centrally Managed licenses. Funds moved from line item #65	\$ -	\$ 3,241,380
82	MSB	National Warning System (NAWAS)/ Washington Area Warning System (WAWAS)	NAWAS is a 24-hour continuous private line telephone system used to convey warnings to federal, state and local governments as well as the military and civilian populations. Additional users included Police, Fire and Rescue Centers, 911 Communications Centers and Emergency Operation Centers. Was formerly funded, but not broken out, in OCIO activities.	\$ 5,669,287	\$ 6,000,000

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
83	MSB	Independent Verification & Validation	Develop and implement the agency's Quality Assurance Program for enterprise-wide IT systems and other select systems	\$ 303,670	\$ 306,000
84	MSB	IT Security Branch	Certify and accredit agency infrastructure and applications, and provide IT security programmatic services for agency staff and program offices.	\$ 1,357,230	\$ 1,813,224
85	MSB	Operations	Operate and maintain Agency IT infrastructure, including the network, video teleconferencing, telephones, and applications. Network refers to the hardware, software, and communication services that allow two or more computers or other devices to exchange data. Examples of costs included in "networks services" are communication lines/bandwidth, routers, switches, firewalls, intrusion detection and other security infrastructure, lease/purchase/operation of devices to transport data electronically and all devices, staff, and software to manage the same.	\$ 4,358,069	\$ 6,090,137
86	MSB	Business Operations	Provide IT financial, human resource, acquisition, audit, and policy services to the Office of the Chief Information Officer and IT Division's operational branches.	\$ 252,969	\$ 648,145
87	MSB	Office of the CIO	Provide executive leadership and oversight to ensure IT operations support Agency and Departmental strategic goals and objectives. Operate and maintain agency IT infrastructure. Also includes the DRS portion of the Long Haul Circuit and Telecom (wireless, satellite, and related PNO) costs based on the enterprise methodology allocation	\$ 1,986,264	\$ 412,229
88	MSB	GIS	GIS support for the virtualization and technical refresh, as well as the concomitant system engineering lifecycle support of three (3) projects: Deployable Emergency Geospatial Services (DEGS), Geospatial Technology Services (GTS), and Geospatial Development & Applications Services (GDAS) supporting the Enterprise Geospatial Information Services Branch (EGIS).	\$ -	\$ 1,215,000
89	MSB	Communication & Long Haul Circuits	DRS portion of the Long Haul Circuit and Telecom (Wireless, Wireline, Satellite and related PNO) costs based on the enterprise methodology allocation	\$ 7,456,331	\$ 9,320,010
90	MSB	Damage Assessments & Validation Inspections (Security Cost)	Security cost for programs that supported DA&VI capabilities (HHS, ACE, IA, PDA, and PA PDA) were combined. Funds used for operational preparedness for housing inspections, equipment and platform support for tablets used by damage assessors, and automated construction estimator applications and server hosting costs used to perform damage assessments.	\$ -	\$ 4,992,049
91	MSB	OCIO related Reservists	Costs for CIO for providing services to reservists including blackberry airtime, email archive and device mailboxes, BES licenses, RSA tokens and Enterprise Service Desk support	\$ 9,924,310	\$ 8,993,510
MSB Total		Management Costs		\$ 102,789,374	\$ 122,174,915



ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
92	OCFO	OCFO Disaster Support Activities	Provides for operations, maintenance, updates to the accounting systems used to disburse, record, and report on disaster assistance payments. Funds remediation efforts on internal controls as required by OMB Circular A-123, Management Accountability and Control. Funds disaster financial management and internal controls.	\$ 2,408,047	\$ 2,750,000
	<b>OCFO Total</b>			<b>\$ 2,408,047</b>	<b>\$ 2,750,000</b>
93	Equal Rights (ER)	Non-Disaster Specific Investigations	The non-disaster specific investigations are those investigations that result from complaints that do not originate from a specific disaster declaration, i.e. NPSCs, logistics centers, applicants for employment under DRF, non-selections, and terminations.	\$ 91,965	\$ 100,000
	<b>ER Total</b>			<b>\$ 91,965</b>	<b>\$ 100,000</b>
94	Mitigation Directorate (MT)	Mitigation - Disaster Support; Printing	Surge Printing to: (1) reprint mitigation publications depleted by disaster activities; (2) reduce cost of printing mitigations in quantities that support disaster operations; (3) stock mitigation publications in quantities to support disaster operations; (4) replenish mitigation publications used by routine disasters; and (5) reduce administrative costs of maintaining mitigation publication inventories.	\$ 250,000	\$ 250,000
95	MT	Mitigation Environmental and Historic Preservation Support	Support National Disaster Recovery Framework, National Cultural Resources, Recovery support functions related to disasters. Develop SOP for EHP Reservist Cadre Program	\$ 99,349	\$ 100,000
96	MT	Mitigation Environmental and Historic Preservation Support	Support <i>Sandy Recovery and Improvement Act of 2013</i> (P.L. 113-2, SRIA), which amended the <i>Robert T. Stafford Disaster Relief and Emergency Assistance Act</i> (Stafford Act). By developing a unified EHP review to be used across the Federal Government	\$ -	\$ 550,334
	<b>MT Total</b>			<b>\$ 349,349</b>	<b>\$ 900,334</b>
97	External Affairs (EA)	External Affairs	Support services and equipment for emergency public information activities during response and recovery operations. Requirements include the disaster related portion of the annual media monitoring and analysis service, the media contact management and distribution service, and the stakeholder contact management and distribution service. It also provides funding for communications go kits required for social media, web and visual imagery operations for use in readiness, response and recovery operations.	\$ 382,195	\$ 450,000
	<b>EA Total</b>			<b>\$ 382,195</b>	<b>\$ 450,000</b>
98	OCC	Field Training for COREs	To support the 57 non-disaster-specific COREs. Funds to be used for COREs training/travel, equipment and supplies.	\$ 47,670	\$ 187,500

ITEM #	OFF/PROG	PROJECT	DESCRIPTION	FY 2013 ACTUALS	FY 2014 SPEND PLAN
99	OCC	OCC CORES	The primary mission of the Procurement and Fiscal Law Division Disaster Assistance Team (PFLD-DAT) will be to provide direct support to disaster assistance applicants in procuring supplies and services under grants in accordance with applicable law and regulations. While deployed, the PFLD-DAT will also be able to provide guidance on fiscal matters arising from direct federal disaster operations, to include questions regarding the expenditure of appropriated funds for clothing, equipment, emergency food and lodging, operational travel, etc. When not deployed the PFLD-DAT will: (1) provide training to applicants and agency personnel and generate material to aid applicant procurements; (2) support contingency contracting; (3) support debt collection activities arising from the provision of disaster assistance; and, (4) support OCHO field based operations in issues related to financial management and reporting of disaster assistance funding.	\$ -	\$ 71,867
100	OCC	OCC CORES Economists (3)	Page 221 of the Explanatory Statement accompanying the FY 2014 DHS Appropriations Act (P.L. 113-76) provides, "FEMA must acquire additional economic expertise, for fiscal year 2014 and into the future, to more effectively assess the costs and benefits of policies and to better align disaster planning and resources." No additional resources were appropriated by Congress for this purpose. Assessing economist/operations research analyst staffing level needs based strictly on rulemaking priorities, OCC concludes three additional economist/operations research analyst positions are necessary to work on disaster-related rulemaking projects.	\$ -	\$ 274,667
	<b>OCC Total</b>			\$ 47,670	\$ 334,033
101	Centrally Managed (CM)	Rent - Mt Weather	Mt Weather Emergency Operations Center	\$ 4,761,602	\$ 5,703,103
102	CM	Working Capital Fund (WCF)	Provide cost-effective support services throughout DHS, the WCF provides a mechanism for shared service costs to be distributed and recouped, and facilitates the delivery and oversight of shared services.	\$ 5,062,678	\$ 8,243,194
	<b>CM Total</b>			\$ 9,824,280	\$ 13,946,297
103	HURRICANE SANDY	SRIA	Implementation of SRIA. On January 29, 2013, President Obama signed into law SRIA. The law authorizes several significant changes to the way FEMA may deliver disaster assistance under a variety of programs. These implementation procedures will detail the applicability of each provision, provide further guidance as to how the authority will be implemented, and may include metrics and other assessment tools and procedures.	\$ 400,000	\$ -
	<b>SANDY Total</b>			\$ 400,000	\$ -
	<b>GRAND Total*</b>			\$ 305,578,379	\$ 341,164,213

## Appendix—List of Acronyms and Abbreviations

AAMS	Automated Acquisition Management System
AMR	American Medical Response
BI	Background Investigation
BPA	Blanket Purchase Agreement
CCP	Crisis Counseling & Training Program
CIO	Chief Information Office
CLC	Corporate Lodging Consultants
COR	Contracting Officer's Representative
CORE	Cadre of On-call Response Employees
DAD	Disaster Assistance Directorate (changed to Recovery Directorate)
DAE	Disaster Assistance Employee
DART	Disaster Assistance Response Team
DASC	Disaster Assistance Support Center
DATS	Disaster Assistance Directorate Technical Services
DC	Distribution Center
DHS	Department of Homeland Security
DISC	Disaster Information Systems Clearinghouse
DMARTS	Document Management and Records Tracking System
DRF	Disaster Relief Fund
DRS	Disaster Readiness Support
DSA	Disaster Support Activity
DUS	Disaster Unemployment Services
EA	External Affairs
EADIS	Enterprise Applications Development, Integration, and Sustainment
eCAPS	Enterprise Coordination and Approval Processing System
EDW	Enterprise Data Warehouse
EMI	Emergency Management Institute
EMMIE	Emergency Management Mission Integrated Environment
ES	Emergency Support
ESF	Emergency Support Function
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FOA	Form of Assistance
FQS	FEMA Qualification System
FY	Fiscal Year
GFI	General Financial Interface
GSA	General Services Administration
HHS	U.S. Department of Health and Human Services
HIS	Housing Inspection Services
HMGP	Hazard Mitigation Grant Program
HSPD	Homeland Security Presidential Directive

IA	Individual Assistance
IAA	Interagency Agreement
IFMIS	Integrated Financial Management Information System
IMCAD	Incident Management Coordination, Assessment and Determination
IRS	Internal Revenue Service
ISAAC	Integrated Security Access and Control
IT	Information Technology
ITD	Information Technology Division
JFO	Joint Field Office
LMD	Logistics Management Directorate
LSCMS	Logistics Supply Chain Management System (formerly Total Asset Visibility)
MCOV	Mobile Communications Office Vehicles
MSB	Mission Support Bureau
MT	Mitigation Directorate
NDS	Non-Disaster Specific
NEMIS	National Emergency Management Information System
NNOC	National Network Operations Center
NPSC	National Processing Service Center
O&M	Operations and Maintenance
OCC	Office of the Chief Counsel
OCFO	Office of the Chief Financial Officer
OCIO	Office of the Chief Information Officer
OPM	Office of Personnel Management
ORR	Office of Response & Recovery
PA	Public Assistance
TAC	Technical Assistance Contract
TAV	Total Asset Visibility
TDL	Test Development Laboratory
THU	Temporary Housing Unit
VETCOM	U.S. Army Veterinary Command
WCF	Working Capital Fund

**Reception and Representation**

**Question:** How does FEMA plan to utilize its reception and representation expenses in 2015? To date, how much has been spent in 2014 and what is the plan for the remainder of the fiscal year? Please provide details on each expenditure.

**ANSWER:** Per DHS Policy, FEMA utilizes these funds for reception purposes, for which the primary purpose is to explain or interpret DHS programs. Events may be held in the United States or a foreign country. Events may be attended by domestic or foreign officials, or others being entertained for official purposes. FEMA utilizes these funds also for representation purposes, which primarily refers to entertainment of foreign officials in a foreign country in connection with the interest of DHS. Representations may also include official entertainment of domestic or foreign officials within the boundaries of the United States when the primary purpose of the event directly correlates to the DHS mission. As of this date, FEMA has no specific FY 2015 reception and representation events planned.

To date, FEMA has spent \$267.44 of the \$2,250 appropriated this fiscal year on reception and representation expenses for a ceremony honoring the retirement of FEMA's Deputy Administrator. As of this date, FEMA has no additional FY 2014 reception and representation events planned.

**Hiring**

**Question:** Please list the number, by office and pay grade level, of all FEMA employees hired non-competitively in fiscal year 2013 and explain why this was necessary.

**ANSWER:** Please see Attachment #2. FEMA uses non-competitive hiring in limited circumstances to address specific mission-essential needs.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

<b>Non-Competitive Hires FY 2013</b>		
<u>Office</u>	<u>Grade</u>	<u>Total</u>
External Affairs	11	1
	12	1
	14	1
External Affairs Total		3
Chief Financial Ofcr	06	1
Chief Financial Ofcr Total		1
Response & Recovery	09	1
Response & Recovery Total		1
RR - Response Dir	09	2
	12	1
	14	1
RR - Response Dir Total		4
RR - Recovery Dir	13	2
	14	1
RR - Recovery Dir Total		3
RR - Logistics Dir	06	1
	08	1
	12	2
	13	1
	14	2
RR - Logistics Dir Total		7
Mission Support	09	1
	11	1
	14	1
Mission Support Total		3
MSB - CIO	11	2
	12	1
	SES	1
MSB - CIO Total		4
MSB - CHCO	13	1
MSB - CHCO Total		1

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

<b>Non-Competitive Hires FY 2013</b>		
<u>Office</u>	<u>Grade</u>	<u>Total</u>
MSB - CPO	09	1
	13	1
MSB - CPO Total		2
PNP - Nat Prep	05	1
	09	5
	11	8
	12	3
	13	5
	14	1
PNP - Nat Prep Total		23
PNP - Grants	07	1
	09	3
	11	1
	12	1
PNP - Grants Total		6
PNP - NCP	06	1
	07	1
	11	3
	12	1
	13	2
	14	2
PNP - NCP Total		10
PNP - NCRC	13	1
PNP - NCRC Total		1
FIMA - Mitigation	11	1
FIMA - Mitigation Total		1
Region One	12	1
Region One Total		1
Region Three	09	1
Region Three Total		1

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

<b>Non-Competitive Hires FY 2013</b>		
<u>Office</u>	<u>Grade</u>	<u>Total</u>
Region Four	07	1
	09	1
	11	1
Region Four Total		3
Region Five	11	1
	12	1
Region Five Total		2
Region Seven	11	3
Region Seven Total		3
Region Eight	13	2
Region Eight Total		2
Region Nine	11	1
	12	1
Region Nine Total		2
Region Ten	12	1
Region Ten Total		1
<b>Grand Total</b>		<b>85</b>



**Contracts**

**Question:** Please provide for the record, the number of noncompetitive contracts FEMA has entered into in fiscal year 2013, what is anticipated in 2014 and 2015, and an explanation as to why a non-competitive contract was chosen. As part of this response, please clearly delineate other transactional agreements and those purchases made from the GSA approved listings.

**ANSWER:** Due to the nature of the FEMA mission and the uncertainty of disasters we cannot predict future noncompetitive awards. While we focus on following established regulations and policies, our first priority is to support the needs of the survivors.

FISCAL YEAR 2013 <sup>(1)</sup>					
REASON FOR NONCOMPETITIVE CONTRACTS	FEMA ISSUED CONTRACTS	INTER- AGENCY AGREEMENTS	ORDER AGAINST GSA SCHEDULES	ORDER AGAINST OTHER AGENCY IDV	TOTAL CONTRACTS
AUTHORIZED BY STATUTE	115			2	117
AUTHORIZED RESALE BRAND NAME DESCRIPTION	1				1
FOLLOW-ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION	81		47	18	146
FOLLOW-ON CONTRACT	19				19
INTER-AGENCY: COMPETITION INFORMATION UNKNOWN		128			128
MINIMUM GUARANTEE	1		1		2
ONLY ONE SOURCE - OTHER	127		33	9	169
OTHER STATUTORY AUTHORITY	6		6	6	18
SAP NON- COMPETITION	165				165
SOLE SOURCE			3		3
UNIQUE SOURCE	36			2	38
URGENCY	48		7		55
UTILITIES FAR 41.2	28		8		36
<b>TOTAL NONCOMPETITIVE CONTRACTS</b>	<b>628</b>	<b>128</b>	<b>105</b>	<b>37</b>	<b>898</b>

FISCAL YEAR 2014 <sup>[1][2]</sup>					
REASON FOR NONCOMPETITIVE CONTRACTS	FEMA ISSUED CONTRACTS	INTER- AGENCY AGREEMENTS	ORDER AGAINST GSA SCHEDULES	ORDER AGAINST OTHER AGENCY IDV	TOTAL CONTRACTS
AUTHORIZED BY STATUTE	21				21
AUTHORIZED RESALE					0
BRAND NAME DESCRIPTION					0
FOLLOW-ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION	29		32	5	66
FOLLOW-ON CONTRACT	2				2
INTER-AGENCY: COMPETITION INFORMATION UNKNOWN		44			44
MINIMUM GUARANTEE					0
ONLY ONE SOURCE - OTHER	26		15	1	42
OTHER STATUTORY AUTHORITY			3	1	4
SAP NON- COMPETITION	45				45
SOLE SOURCE					0
UNIQUE SOURCE	8				8
URGENCY	7		3		10
UTILITIES FAR 41.2	19		5		24
<b>TOTAL NONCOMPETITIVE CONTRACTS</b>	<b>157</b>	<b>44</b>	<b>58</b>	<b>7</b>	<b>266</b>

## NOTES:

[1] Data Source: FPDS-NG Competition Report as of May 7, 2014, supplemented with AAMS data to include Inter-Agency Agreements.

[2] Fiscal Year 2014 Data is through April 30, 2014.

[3] This analysis does not include modification actions. It is a summary of contracts awarded in the timeframe provided.

**Question:** In total, how much of your awards are competitive? Please answer in dollar amount and percentage.

**ANSWER:**

<b>2012 <sup>[1]</sup></b>				
<b>Competition Classification</b>	<b>Actions</b>		<b>Dollars</b>	
Competed Actions	9,345	72.54%	\$872,822,248.98	76.31%
Not Competed Actions	3,324	25.80%	\$265,806,193.60	23.24%
Lacking Competition Information <sup>[2]</sup>	121	0.94%	\$(1,488,419.69)	(0.13%)
Excluded from Competition Calculations	92	0.71%	\$6,719,764.41	0.59%
Total FEMA Actions	12,882	100.00%	\$1,143,859,787.30	100.00%

<b>2013 <sup>[3]</sup></b>				
<b>Competition Classification</b>	<b>Actions</b>		<b>Dollars</b>	
Competed Actions	9,074	73.52%	\$821,058,575.03	66.23%
Not Competed Actions	3,188	25.83%	\$415,981,445.82	33.55%
Lacking Competition Information <sup>[2]</sup>	65	0.53%	\$(468,714.60)	(0.04%)
Excluded from Competition Calculations	16	0.13%	\$3,159,423.25	0.25%
Total FEMA Actions	12,343	100.00%	\$1,239,730,729.50	100.00%

<b>2014 <sup>[3][4]</sup></b>				
<b>Competition Classification</b>	<b>Actions</b>		<b>Dollars</b>	
Competed Actions	3,458	74.24%	\$205,605,589.61	71.88%
Not Competed Actions	1,172	25.16%	\$80,470,815.29	28.13%
Lacking Competition Information <sup>[2]</sup>	24	0.52%	\$(39,975.52)	(0.01%)
Excluded from Competition Calculations	4	0.09%	\$(12,382.95)	(0.00%)
Total FEMA Actions	4,658	100.00%	\$286,024,046.43	100.00%

**NOTES:**

[1] Data Source: FPDS-NG Competition Report as of March 7, 2013.

[2] Negative balances reflect deobligations on old contracts with no competition classification assigned because they were entered into FPDS-NG before the system tracked this information.

[3] Data Source: FPDS-NG Competition Report as of May 7, 2014.

[4] Fiscal Year 2014 Data is for Quarters 1 and 2 only.

**Question:** Update and submit, through the most recent month available, the list provided in last year's hearing record regarding Sole Source Contracts. Organize by contractor, purpose, appropriation account, dollar award, full performance value, contract start date, contract end date, and reason for sole-source.

**ANSWER:** Please see Attachment #3.























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Federal Emergency Management Agency  
Noncompetition Action with Funding Information  
Fiscal Year 2010 and 2011

PID	REFERENCE LINE	MODIFICATION NUMBER	CONTRACT FOR	PLANING	APPROPRIATION ACCOUNT	DOLLAR AMOUNT	CHANGE TO FULL PERFORMANCE VALUE	ACTION START DATE	ACTION END DATE	EVENT	REASON NOT COMPLETED	NUMBER OF OFFERS RECEIVED
180520303044	18052030600117	F00046	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 298,48	\$ 51,681.25	8/22/2010	8/26/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00046	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 425.45	\$ 51,681.25	8/22/2010	8/26/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00046	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 15,368.05	\$ 51,681.25	8/22/2010	8/26/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00046	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 71,249.00	\$ 51,681.25	8/22/2010	8/26/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00046	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 1,948.82	\$ 51,681.25	8/22/2010	8/26/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00047	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 4,945.00	\$ 24,524.46	8/26/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00047	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 16.47	\$ 24,524.46	8/26/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00047	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 469.00	\$ 24,524.46	8/26/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00047	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 13,734.46	\$ 24,524.46	8/26/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00048	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 11,083.55	\$ 14,528.97	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00048	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 479.46	\$ 14,528.97	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00048	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 279.46	\$ 14,528.97	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00048	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 1,991.96	\$ 14,528.97	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00049	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 21,546.46	\$ 10,213.50	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00049	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 2,428.46	\$ 10,213.50	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00049	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 115.46	\$ 10,213.50	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00049	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 265.96	\$ 10,213.50	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00050	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 394.47	\$ 4,727.44	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00050	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 386.47	\$ 4,727.44	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1
180520303044	18052030600117	F00050	7ALL1277A73702849P	USG prepared for FEMA activities Informational - Area D - The setting on this contract is \$100,000,000.00	2010-06-01-2010-06-30-2010-06-30	\$ 968.46	\$ 4,727.44	8/30/2010	8/30/2010	FULL AND OPEN COMPETITION	FOLLOW-ON ACTION INITIAL ACTION	1









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End of Year 2012 and 2011

REF ID	REFERENCE #	MODIFICATION NUMBER	CONTRACTOR	REASON	APPROPRIATION ACCOUNT	DOLLAR AMOUNT	CHANGE TO FULL PERFORMANCE VALUE	ACTION START DATE	ACTION END DATE	EVENT COMPLETED	REASON NOT COMPLETED	FAIR OPPORTUNITY	NUMBER OF OFFERS RECEIVED
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 5,722.48	\$ 5,722.48	11/20/2011	11/20/2011	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000001	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 1,261.40	\$ 1,261.40	02/16/2012	11/20/2011	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 1,788.95	\$ 1,788.95	4/5/2012	11/20/2011	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 2,621.47	\$ 2,621.47	11/14/2011	11/14/2011	NOT COMPLETED	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 17,733.46	\$ 17,733.46	11/14/2011	11/14/2011	NOT COMPLETED	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 11,048.46	\$ 11,048.46	11/20/2011	11/20/2011	NOT COMPLETED	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 11,048.46	\$ 11,048.46	11/20/2011	11/20/2011	NOT COMPLETED	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 13,224.45	\$ 13,224.45	11/20/2011	11/20/2011	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000001	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ -	\$ -	4/19/2012	11/20/2011	NOT COMPLETED UNDER \$5K	NOT COMPLETED	ONLY ONE SOURCE, OTHER	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 7,790.52	\$ 7,790.52	4/7/2014	4/14/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 712.05	\$ 712.05	4/7/2014	4/14/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 3,363.36	\$ 3,363.36	4/20/2014	4/27/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 5,237.73	\$ 5,237.73	4/20/2014	4/27/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	0	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 13,000.00	\$ 13,000.00	11/20/2011	11/20/2011	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000001	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ -	\$ -	07/20/2013	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000002	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 4,000.00	\$ 4,000.00	11/20/2011	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000003	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ -	\$ -	11/20/2011	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000004	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 14,000.00	\$ 14,000.00	11/20/2011	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000005	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ -	\$ -	4/20/2013	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000006	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ -	\$ -	4/20/2013	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000007	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ 24,000.00	\$ 24,000.00	4/10/2013	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1
18F001300025	18F001300025	000008	SAV HARR ELECTRIC COMPANY, INC.	Provision of services for emergency response, including storm damage and maintenance.	2011-06-400000-0001-2000-0	\$ -	\$ -	11/20/2013	11/20/2014	NOT COMPLETED UNDER \$5K	NOT COMPLETED	SAV NON-COMPETITION	1

















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Fiscal Year 2013 and 2014 <sup>(2)</sup>

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Federal Emergency Management Agency  
Noncompetition Action with Funding Identifiers  
From Year 2011 and 2012

IND	REFERENCE NUMBER	MODIFICATION NUMBER	CONTRACTING AGENCY	PURPOSE	APPROPRIATION ACCOUNT	DOLLAR AMOUNT	CHANGE TO FULL PERFORMANCE VALUE	ACTION START DATE	ACTION END DATE	ENTRY COMPLETED	REASON NOT COMPLETED	TIME OPPORTUNITY	NUMBER OF OFFERS RECEIVED
188712Q00025	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	(2,273.18)	1/17/2013	1/23/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00026	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	-	1/24/2013	7/20/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00027	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	-	1/15/2013	8/6/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00028	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	-	1/14/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00029	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	-	1/14/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00030	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	(2,142.50)	1/24/2013	9/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00031	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	(1,079.49)	1/14/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00032	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	(246.00)	1/23/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00033	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	-	7/18/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00034	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	(1,855.27)	2/22/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00035	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	(1,000.00)	1/14/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00036	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	(427.21)	1/14/2013	11/13/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00037	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	(3,497.49)	1/14/2013	11/13/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00038	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	(2,498.61)	1/23/2013	8/2/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00039	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	(144.35)	1/23/2013	7/13/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00040	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	(2,215.40)	1/23/2013	7/13/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00041	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0001 OUT	2011-06-197519-0004-2041-0	\$ -	(97.65)	1/23/2013	7/13/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1
188712Q00042	188712Q001156	188712Q001156	LANDLAGE BANK, INC.	PRINCAL CL0002 OUT	2011-06-197519-0004-2041-0	\$ -	(11,281.1)	1/18/2013	8/13/2013	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	FOLLOW-ON ACTION AFTER COMPETITION AFTER EXCLUSION OF SOLICITATIONS	1	1















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Noncompetition Action with Funding Information**





























**Federal Emergency Management Agency  
Noncompetition Action with Funding Information**

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Federal Emergency Management Agency  
Noncompetition Action with Funding Information  
From FY 2017 and 2018

RFD	REFERENCE LINE	MODIFICATION NUMBER	CONTRACTOR	PRICING	APPROPRIATION ACCOUNT	DOLLAR AMOUNT	CHANGE TO FULL PERFORMANCE VALUE	ACTION START DATE	ACTION END DATE	EVENT COMPLETED	REASON NOT COMPLETED	FAIR OPPORTUNITY	NUMBER OF OFFERS RECEIVED
18F060330002	18F03N230002	000001	0897AC-E	PA, TAC (B) - Commercial Storage Unit Program This Order for the purchase of 600 program units for the year 2017.	2017-04-02:11709-2004-0	\$ 99,631.47	\$ 99,631.47	5/20/17	5/20/17	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		1
18F060330005	18F03N230005	000002	0897AC-E	PA, TAC (B) - Commercial Storage Unit Program This Order for the purchase of 600 program units for the year 2017.	2017-04-02:11709-2004-0	\$ -	\$ -	5/20/17	5/20/17	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		1
18F060330005	18F03N230005	000003	0897AC-E	PA, TAC (B) - Commercial Storage Unit Program This Order for the purchase of 600 program units for the year 2017.	2017-04-02:11709-2004-0	\$ 498,481.45	\$ 498,481.45	5/20/17	5/20/17	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		1
18F060330014	18F03N230014	0	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ 15,727.70	\$ 15,727.70	10/11/2017	11/03/2017	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		1
18F060330014	18F03N230014	0	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ 277,361.31	\$ 277,361.31	11/15/2017	12/7/2017	PELL AND OPEN COMPETITION	URGENT		1
18F060330014	18F03N230014	000001	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	1/28/2018	3/27/2018	PELL AND OPEN COMPETITION	URGENT		1
18F060330014	18F03N230014	000002	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	2/28/2018	4/20/2018	PELL AND OPEN COMPETITION	URGENT		1
18F060330014	18F03N230014	000003	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	4/27/2018	6/26/2018	PELL AND OPEN COMPETITION	URGENT		1
18F060330014	18F03N230014	000004	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	6/14/2018	8/15/2018	PELL AND OPEN COMPETITION	URGENT		1
18F060330014	18F03N230014	000005	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	1/23/2019	3/27/2019	PELL AND OPEN COMPETITION	URGENT		1
18F060330014	18F03N230014	0	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ 492,457.96	\$ 492,457.96	4/17/2019	7/26/2019	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		1
18F060330014	18F03N230014	0	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ 20,170.41	\$ 20,170.41	8/17/2019	10/21/2019	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		1
18F060330014	18F03N230014	000001	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	10/29/2019	11/20/2019	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		1
18F060330014	18F03N230014	0	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ 4,542.00	\$ 4,542.00	11/13/2019	4/20/2020	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		2
18F060330014	18F03N230014	0	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ 466,627.00	\$ 466,627.00	2/27/2020	2/28/2020	PELL AND OPEN COMPETITION	FOLLOW ON ACTION FOLLOWING COMPETITIVE INITIAL ACTION		9
18F060330014	18F03N230014	000004	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	2/28/2020	1/21/2021	NOT COMPLETED	URGENT		1
18F060330014	18F03N230014	000005	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	3/13/2020	3/13/2020	NOT AVAILABLE FOR COMPLETION	URGENT		2
18F060330014	18F03N230014	000001	0897AC-E	Public Assistance Technical Assistance Contract (PA, TAC (B))	2017-04-02:000-2004-0	\$ -	\$ -	8/19/2019	8/19/2019	NOT COMPLETED	URGENT		1



















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**Federal Emergency Management Agency  
Non-competition Action with Funding Information**

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**Question:** Please provide for the record a list of all FEMA contracts, grants and other transactions where work is performed outside of the United States. Organize by contractor, purpose, dollar award, full performance value, contract start date, and contract end date.

**ANSWER:** While no services were performed outside the United States, a list of products/commodities FEMA purchased that were manufactured outside the United States can be found in Attachment #4.

Federal Emergency Management Agency  
Contracts with Manufacturing Outside of the United States  
Fiscal Year 2013 and 2014<sup>(1)</sup>

FISCAL YEAR 2013 <sup>(2)</sup>									
CONTRACT NUMBER	CONTRACTOR NAME	PLACE OF MANUFACTURE	DATE SIGNED	EST. ULTIMATE COMPLETION DATE	DOLLARS AWARDED	FULL PERFORMANCE VALUE			
FHE0217048	ALI SOLUTIONS INC.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	11/26/2012	11/30/2012	\$ 84,000	\$ 84,000			
FHE0217045	NATIONWIDE SUPPLIES, L.P.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	12/13/2012	12/19/2012	\$ 5,973	\$ 5,973			
FHE0217047	CONTINENTAL AIRLESS, INC.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	12/12/2012	12/16/2013	\$ 21,271	\$ 22,721			
FHE0217092	HARRIS, MACKESSY & BRENNAN, INC.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	1/11/2013	1/24/2013	\$ 38,829	\$ 38,829			
FHE0217055	FSM SOFTWARE	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	9/27/2013	10/28/2013	\$ 37,500	\$ 37,500			
FHE0218014	VSAT SYSTEM, INC.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	9/23/2013	11/15/2013	\$ 67,485	\$ 67,485			
FHE0220014	ANACAPA MICRO PRODUCTS, INC.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	7/17/2013	8/23/2013	\$ 7,548	\$ 7,548			
FHE0218050	J.C.W. INTERNATIONAL LTD.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	8/29/2013	12/27/2013	\$ 36,440	\$ 36,440			
TOTAL CONTRACTS WITH MANUFACTURING OUTSIDE OF THE UNITED STATES						\$ 245,173			

FISCAL YEAR 2014 <sup>(3)</sup>							
CONTRACT NUMBER	CONTRACTOR NAME	PLACE OF MANUFACTURE	DESCRIPTION OF REQUIREMENT	DATE SIGNED	1ST ULTIMATE COMPLETION DATE	DOLLARS AWARDED	FULL PERFORMANCE VALUE
FHE0180513	IRON H CONCEPTS, LLC	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	TO BE USED ON SITE TO SUPPORT THE SERVER AND SUPPORT DB4145-CD	11/8/2013	12/8/2013	\$ 40,521	\$ 40,521
FHE0180669	HIGH PLAINS COMPUTING, INC.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	ICE-TO ICE 30% ANNUAL TO SUPPORT TO OPERATIONS FOR DB 4145	11/8/2013	11/30/2013	\$ 12,665	\$ 12,665
FHE0180695	SOURCE MANAGEMENT, INC.	MFG OUTSIDE U.S. - COMMERCIAL INFORMATION TECHNOLOGY	ICE-TO ICE 30% ANNUAL TO SUPPORT TO OPERATIONS FOR DB 4145	11/8/2013	11/30/2013	\$ 5,038	\$ 5,038
FHE120419071	CENTURY TIRE INC.	UNEARTHLY COST	250 AMBULETIONS, TIRES AND ROPS TO REFUEL THE INVENTORY AT THE MOBILE TIRE SHOPS IN SUMMA, AL, AND CUMBERLAND, MD.	12/24/2013	24/2014	\$ 34,000	\$ 34,000
TOTAL CONTRACTS WITH MANUFACTURING OUTSIDE OF THE UNITED STATES						\$ 151,224	\$ 151,224

NOTES:  
(1) Data as of FPMAC Report, run May 7, 2014  
(2) Fiscal Year 2014 Data on which Quarters 1 and 2 only  
(3) This report does not include modifications entered against a previous year's contract, nor does it include orders against a CSA Schedule  
(4) Definition: The United States is considered to be all 50 States, as well as all U.S. Trust Territories



Federal Emergency Management Agency  
Contracts with Working Being Performed Outside of the United States  
Fiscal Year 2013 and 2014<sup>[1]</sup>

FISCAL YEAR 2013 <sup>[1]</sup>							
CONTRACT NUMBER	CONTRACTOR NAME	PRINCIPAL PLACE OF PERFORMANCE	DESCRIPTION OF REQUIREMENT	DATE SIGNED	EST. ULTIMATE COMPLETION DATE	DOLLARS AWARDED	FULL PERFORMANCE VALUE
TOTAL CONTRACTS WITH WORK BEING PERFORMED OUTSIDE OF THE UNITED STATES							-
							\$ - \$

FISCAL YEAR 2014 <sup>[2]</sup>							
CONTRACT NUMBER	CONTRACTOR NAME	PRINCIPAL PLACE OF PERFORMANCE	DESCRIPTION OF REQUIREMENT	DATE SIGNED	EST. ULTIMATE COMPLETION DATE	CONTRACT VALUE	
TOTAL CONTRACTS WITH WORK BEING PERFORMED OUTSIDE OF THE UNITED STATES							-
							\$ - \$

NOTES:  
[1] Data Source: FPMR-RC Buy America Report on May 7, 2014  
[2] Fiscal Year 2014 Data includes Quarters 1 and 2 only  
[3] This report does not include modifications executed against a previous year's contract, nor does it include orders against a CSA Schedule  
[4] Definition: The United States is considered to be all 50 States, as well as all U.S. Trust Territories

**Bonuses:**

**Question:** Please provide a table showing how much is requested in the 2015 budget for bonuses for FEMA political employees, FEMA SES employees, and FEMA non-SES employees.

**ANSWER:** FEMA has not budgeted for FEMA career SES and FEMA non-SES bonuses in the FY15 President's Budget. Political appointees are not eligible for bonuses and no funding has been budgeted in FY15.

**Question:** Please list all FEMA SES bonuses provided in 2013 by position, office, and bonus amount.

**ANSWER:** Please see Attachment #5.

Appt. Type	Position Title	Proposed 2013 Bonus (%)	Proposed 2013 Bonus (\$)
Career	Asst. Administrator, Response	7.0%	\$11,914
Career	National Incident Management Assistant Team Leader West	7.0%	\$11,538
Career	Executive Administrator, Mt. Weather Emergency Operations Center	6.0%	\$10,782
Career	Chief Counsel, FEMA	6.5%	\$ 10,777
Career	Chief Financial Officer	6.0%	\$10,734
Career	Asst. Administrator for Nat'l Preparedness	6.0%	\$10,670
Career	Deputy Principal Legal Advisor for Management, FEMA	6.0%	\$ 9,870
Career	Director, Public Assistance Division	6.0%	\$9,687
Career	Regional Administrator (Region III, Philadelphia)	7.0%	\$9,100
Career	Director, Emergency Communications Division	6.0%	\$9,089
Career	Deputy Chief Counsel, FEMA	6.0%	\$ 9,072
Career	Director, Office of Federal Disaster Coordination	5.0%	\$8,985
Career	Director, Nat'l Training & Education Division (Reassigned to S&T on 9/8/13, but not in position for 90 days to be rated by S&T)	5.0%	\$8,985
Career	Asst. Administrator, Grant Programs (As PA, he retains SES career rights for performance award consideration)	5.0%	\$8,985
Career	Associate Administrator, Mission Support Bureau	5.0%	\$8,985
Career	Deputy Chief Information Officer	5.0%	\$8,985
Career	Regional Administrator (Region IX San Francisco)	5.0%	\$8,985
Career	Chief Security Officer	5.0%	\$8,985
Career	Superintendent, National Fire Academy	5.0%	\$8,847
Career	Deputy Assistant Administrator for Recovery	6.0%	\$8,822
Career	Superintendent, Emergency Mgmt. Institute (EMI)	5.0%	\$8,800
Career	Asst. Administrator for Recovery	5.0%	\$8,682
Career	Deputy Assistant Administrator for Response	5.0%	\$8,607
Career	Chief Technology Officer (EOD: 12/30/12)	5.0%	\$8,553

U - Unsatisfactory

AE - Achieved Excellence  
EE - Exceeded Expectations

AX - Achieved Expectations  
MS - Minimally Satisfactory

Appt. Type	Position Title	Proposed 2013 Bonus (%)	Proposed 2013 Bonus (\$)
Career	Director, Individual Assistance Division	5.0%	\$8,436
Career	Director, Operations Division	5.0%	\$8,371
Career	Regional Administrator (Region VI - Denton, TX) (EOD 1/13/2013)	5.0%	\$8,242
Career	Deputy Associate Administrator for Mitigation, Federal Insurance & Mitigation (EOD: 1/27/13)	5.0%	\$8,242
Career	Asst. Administrator, Logistics	5.0%	\$8,216
Career	Chief, Enterprise Business Unit (EOD: 9/23/12)	5.0%	\$8,020
Career	Deputy Director, External Affairs (EOD: 1/13/13)	5.0%	\$8,020
Career	Dep. Exec. Admin., Mt. Weathers Emergency Operations Ctr.	5.0%	\$7,843
Career	Director, National Processing Service Ctr	5.0%	\$7,800
Career	Deputy Associate Administrator for Insurance, Federal Insurance & Mitigation	5.0%	\$7,783
Career	Regional Administrator (Region IV Atlanta)	5.0%	\$7,673
Career	Director, National Preparedness Assessment Division	5.0%	\$7,434
Career	Director, National Exercise Division	5.0%	\$7,420
Career	Deputy Director, Policy and Strategy (EOD: 10/7/12)	5.0%	\$7,354
Career	Deputy Director, Mgmt. & Perf. Improvement (EOD: 11/18/12)	5.0%	\$7,354
Career	Deputy Chief Component Human Capital Officer	5.0%	\$7,352
Career	Director, Financial Management Division (Mt. Weather)	5.0%	\$6,650

AE - Achieved Excellence  
EE - Exceeded Expectations

AX - Achieved Expectations  
MS - Minimally Satisfactory

U - Unsatisfactory

**Question:** Please list by office and pay grade level the number of non-SES employees who received a bonus or quality step increase (qsi) in 2013, the total bonus/qsi expenditures for the particular office and pay grade, and the total number of employees in the office and pay grade.

**ANSWER:** Please see Attachment #6.

**Non-Competitive Hires****Fiscal Year 2013**

<u>Office</u>	<u>Grade</u>	<u>Total</u>
External Affairs	11	1
	12	1
	14	1
External Affairs Total		3
Chief Financial Ofcr	06	1
Chief Financial Ofcr Total		1
Response & Recovery	09	1
Response & Recovery Total		1
RR - Response Dir	09	2
	12	1
	14	1
RR - Response Dir Total		4
RR - Recovery Dir	13	2
	14	1
RR - Recovery Dir Total		3
RR - Logistics Dir	06	1
	08	1
	12	2
	13	1
	14	2
RR - Logistics Dir Total		7
Mission Support	09	1
	11	1
	14	1
Mission Support Total		3
MSB - CIO	11	2
	12	1
MSB - CIO Total		3
MSB - CHCO	13	1
MSB - CHCO Total		1
MSB - CPO	09	1
	13	1
MSB - CPO Total		2

PNP - Nat Prep	05	1
	09	5
	11	8
	12	3
	13	5
	14	1
PNP - Nat Prep Total		23
PNP - Grants	07	1
	09	3
	11	1
	12	1
PNP - Grants Total		6
PNP - NCP	06	1
	07	1
	11	3
	12	1
	13	2
	14	2
PNP - NCP Total		10
PNP - NCRC	13	1
PNP - NCRC Total		1
FIMA - Mitigation	11	1
FIMA - Mitigation Total		1
Region One	12	1
Region One Total		1
Region Three	09	1
Region Three Total		1
Region Four	07	1
	09	1
	11	1
Region Four Total		3
Region Five	11	1
	12	1
Region Five Total		2
Region Seven	11	3
Region Seven Total		3

Region Eight	13	2
Region Eight Total		2
Region Nine	11	1
	12	1
Region Nine Total		2
Region Ten	12	1
Region Ten Total		1
Grand Total		84



Position	Office	Amount
REGIONAL ADMINISTRATOR, REGION	Administrator	\$8,242.00
DIRECTOR, FINANCIAL MANAGEMENT	Chief Financial Ofcr	\$6,650.00
DEPUTY DIRECTOR OF EXTERNAL AF	External Affairs	\$8,020.00
CHIEF FINANCIAL OFFICER	Chief Financial Ofcr	\$10,734.00
CHIEF COUNSEL	General Counsel	\$10,777.00
DEPUTY CHIEF COUNSEL	General Counsel	\$9,072.00
DEPUTY DIRECTOR OF POLICY AND	Policy & Pgm Analysis	\$7,354.00
DEPUTY DIRECTOR, MGMT AND PERF	Policy & Pgm Analysis	\$7,354.00
DEP PRINCIPAL LEGAL ADVISOR MG	General Counsel	\$9,870.00
DEP. ASSISTANT ADMINISTRATOR R	Response & Recovery	\$8,822.00
DEPUTY ASST ADMINISTRATOR RESP	RR - Response Dir	\$8,607.00
ASSISTANT ADMINISTRATOR FOR RE	RR - Response Dir	\$11,914.00
OPERATIONS DIVISION DIRECTOR,	RR - Response Dir	\$8,371.00
DIR EMERG COMMUNICATIONS DIV	RR - Response Dir	\$9,089.00
ASST. ADMIN. FOR RECOVERY	RR - Recovery Dir	\$8,682.00
DIR. INDIVIDUAL ASST. DIVISION	RR - Recovery Dir	\$8,436.00
DIR, NAT'L PROC. SVC CTR OPERA	RR - Recovery Dir	\$7,800.00
CHIEF ADMINISTRATIVE OFFICER	RR - Recovery Dir	\$9,687.00
ASSISTANT ADMINISTRATOR LOGIST	RR - Logistics Dir	\$8,216.00
DIR, OFFICE OF FEDERAL DISASTER	RR - FCO	\$8,985.00
ASSOCIATE ADMINISTRATOR MISSIO	Mission Support	\$8,985.00
CHIEF TECHNOLOGY OFFICER	MSB - CIO	\$8,553.00
DEPUTY CHIEF INFORMATION OFFIC	MSB - CIO	\$8,985.00
CHIEF COMPONENT HUMAN CAPITAL	MSB - CHCO	\$7,913.00
DEP CHIEF COMPONENT HUM CAP OF	MSB - CHCO	\$7,352.00
CHIEF PROCUREMENT OFFICER	MSB - CPO	\$8,478.00
CHIEF SECURITY OFFICER	MSB - CSO	\$8,985.00
CHIEF ENTERPRISE BUSINESS UNIT	MSB - EBU	\$8,020.00
ASSISTANT ADMINSTRATOR, GRANTS	Protection & Nat Prep	\$8,985.00
DIRECTOR, NATIONAL EXERCISE DI	Protection & Nat Prep	\$7,420.00
DEPUTY ASSISTANT ADMINISTRATOR	Protection & Nat Prep	\$7,434.00
ASS. DEP. ADMIN. FOR NAT'L PRE	PNP - Nat Prep	\$10,670.00
SUPERINTENDENT, EMI	PNP - Nat Prep	\$8,800.00
DEPUTY EXECUTIVE ADMIN, EMERG	PNP - NCP	\$7,843.00
EXEC DIR, MT WEATHER EMER OPS	PNP - NCP	\$10,782.00
DPTY FED INS AND MIT ADMIN INS	Fed Ins & Mitigation	\$7,783.00
DEPUTY ASSOCIATE ADMINISTRATOR	Fed Ins & Mitigation	\$8,242.00
SUPERINTENDENT, NATIONAL FIRE	Fire Administration	\$8,847.00
REGIONAL ADMINISTRATOR (REGION	Region Three	\$9,100.00
REGIONAL ADMINISTRATOR (REG IX	Region Four	\$7,673.00
REGIONAL DIRECTOR	Region Nine	\$8,985.00

## Cash Awards

### Calendar Year 2013

<u>Office</u>	<u>Grade</u>	<u>Total</u>
Administrator	12	1
	13	1
	14	3
	15	1
Administrator Total		6
AD - Exec Secretariat	12	1
AD - Exec Secretariat Total		1
AD - Regional Ops	12	1
	14	2
	15	1
AD - Regional Ops Total		4
AD - Law Enforcement	12	1
	14	1
AD - Law Enforcement Total		2
AD - Dsby Int Coord	11	1
	12	1
	13	1
AD - Dsby Int Coord Total		3
External Affairs	00	1
	07	1
	09	1
	11	3
	12	7
	13	9
	14	9
	15	2
External Affairs Total		33
Chief Financial Ofcr	05	2
	06	3
	07	14
	09	3
	11	2
	12	13
	13	28
	14	20
	15	7

Chief Financial Ofcr Total		92
General Counsel	00	7
	12	1
	13	19
	14	21
	15	32
General Counsel Total		80
Policy & Pgm Analysis	11	1
	12	6
	13	7
	14	8
	15	15
Policy & Pgm Analysis Total		37
Nat Cap Region Coord	13	1
Nat Cap Region Coord Total		1
Equal Rights	07	1
	09	1
	11	2
	12	6
	13	2
	14	2
Equal Rights Total		14
Grants	13	1
Grants Total		1
Response & Recovery	09	1
	13	6
	14	1
	15	5
Response & Recovery Total		13
RR - Response Dir	08	1
	09	7
	11	13
	12	87
	13	69
	14	43
	15	28
RR - Response Dir Total		248
RR - Recovery Dir	06	7
	07	13

	08	1
	09	70
	11	60
	12	83
	13	47
	14	30
	15	18
RR - Recovery Dir Total		329
RR - Logistics Dir	06	13
	07	5
	08	2
	09	3
	11	28
	12	19
	13	18
	14	11
	15	5
RR - Logistics Dir Total		104
RR - FCO	07	1
	09	2
	13	1
	15	14
RR - FCO Total		18
Mission Support	12	1
	13	1
	14	2
	15	3
Mission Support Total		7
MSB - CAO	11	6
	12	9
	13	7
	14	8
	15	2
MSB - CAO Total		32
MSB - CIO	00	3
	07	2
	09	9
	11	18
	12	39
	13	22
	14	28
	15	13

MSB - CIO Total		134
MSB - CHCO	05	1
	07	5
	08	8
	09	5
	11	5
	12	14
	13	23
	14	14
	15	3
MSB - CHCO Total		78
MSB - CPO	07	4
	09	2
	11	4
	12	10
	13	29
	14	34
	15	13
MSB - CPO Total		96
MSB - CSO	07	8
	09	11
	11	7
	12	18
	13	17
	14	3
	15	3
MSB - CSO Total		67
MSB - EBU	09	1
	11	1
	12	1
	13	1
	14	2
	15	2
MSB - EBU Total		8
Protection & Nat Prep	05	1
	11	1
	12	2
	13	4
	14	1
	15	2
Protection & Nat Prep Total		11

PNP - Nat Prep	05	4
	06	5
	07	7
	08	2
	09	11
	11	15
	12	31
	13	54
	14	33
	15	16
PNP - Nat Prep Total		178
PNP - Grants	04	2
	09	1
	11	5
	12	9
	13	46
	14	18
	15	14
PNP - Grants Total		95
PNP - NCP	04	7
	05	1
	06	7
	07	19
	08	17
	09	16
	10	6
	11	39
	12	37
	13	50
	14	25
	15	12
PNP - NCP Total		236
PNP - NCRC	11	1
	13	4
	14	1
	15	2
PNP - NCRC Total		8
Fed Ins & Mitigation	12	2
	14	1
	15	1
Fed Ins & Mitigation Total		4
FIMA - Mitigation	08	1

	09	3
	11	1
	12	10
	13	20
	14	31
	15	10
FIMA - Mitigation Total		76
FIMA - Insurance	08	2
	11	1
	12	6
	13	20
	14	12
	15	3
FIMA - Insurance Total		44
National Preparedness	12	1
	15	2
National Preparedness Total		3
National Continuity	12	1
National Continuity Total		1
Fire Administration	04	5
	05	2
	06	1
	07	9
	08	3
	09	6
	11	7
	12	9
	13	22
	14	9
Fire Administration Total		73
Region One	07	2
	09	2
	11	4
	12	18
	13	16
	14	17
	15	7
Region One Total		66
Region Two	07	1
	09	2
	11	1

	12	24
	13	21
	14	5
	15	1
Region Two Total		55
Region Three	05	1
	07	5
	09	3
	11	4
	12	40
	13	27
	14	10
	15	6
Region Three Total		96
Region Four	00	1
	05	1
	07	3
	08	16
	09	11
	11	15
	12	115
	13	59
	14	21
	15	12
Region Four Total		254
Region Five	07	3
	11	2
	12	25
	13	19
	14	15
	15	5
Region Five Total		69
Region Six	07	3
	08	2
	09	1
	11	6
	12	53
	13	28
	14	13
	15	1
Region Six Total		107
Region Seven	07	3



	09	6
	11	12
	12	48
	13	32
	14	15
	15	3
Region Seven Total		119
Region Eight	07	1
	09	2
	11	5
	12	35
	13	27
	14	13
	15	4
Region Eight Total		87
Region Nine	00	1
	07	5
	09	5
	11	3
	12	43
	13	45
	14	23
	15	12
Region Nine Total		137
Region Ten	07	11
	09	4
	11	5
	12	54
	13	20
	14	6
Region Ten Total		100
Total Cash Awards		3,227

**QSI Awards**  
**Calendar Year 2013**

<u>Office</u>	<u>Grade</u>	<u>Total</u>
RR - Response Dir	15	1
RR - Response Dir Total		1
MSB - CIO	12	1
MSB - CIO Total		1
MSB - CPO	15	1
MSB - CPO Total		1
FIMA - Mitigation	13	3
	14	3
FIMA - Mitigation Total		6
FIMA - Insurance	13	2
	14	2
	15	1
FIMA - Insurance Total		5
Region Four	12	1
	13	1
Region Four Total		2
Region Eight	12	1
Region Eight Total		1
Region Nine	13	1
	14	1
Region Nine Total		2
<b>Total QSIs</b>		<b>19</b>

## Cash Awards

Calendar Year 2013

Org	Grade	# of Employees	Awd Amt
Administrator	12	1	2,500.00
	13	1	2,000.00
	14	3	4,750.00
	15	1	3,000.00
<b>Administrator Total</b>		<b>6</b>	<b>12,250.00</b>
AD - Exec Secretariat	12	1	1,250.00
<b>AD - Exec Secretariat Total</b>		<b>1</b>	<b>1,250.00</b>
AD - Regional Ops	12	1	1,500.00
	14	2	4,500.00
	15	1	2,000.00
<b>AD - Regional Ops Total</b>		<b>4</b>	<b>8,000.00</b>
AD - Law Enforcement	12	1	1,500.00
	14	1	2,500.00
<b>AD - Law Enforcement Total</b>		<b>2</b>	<b>4,000.00</b>
AD - Dsby Int Coord	11	1	1,000.00
	12	1	1,200.00
	13	1	1,300.00
<b>AD - Dsby Int Coord Total</b>		<b>3</b>	<b>3,500.00</b>
External Affairs	00	1	1,500.00
	07	1	1,500.00
	09	1	2,500.00
	11	3	7,500.00
	12	7	16,000.00
	13	9	16,500.00
	14	9	24,500.00
	15	2	6,500.00
<b>External Affairs Total</b>		<b>33</b>	<b>76,500.00</b>
Chief Financial Ofcr	05	2	852.00
	06	3	1,318.00
	07	14	7,857.00
	09	3	3,244.00
	11	2	1,609.00
	12	13	18,607.00
	13	28	51,131.00
	14	20	49,744.00

	15	7	24,071.00
<b>Chief Financial Ofcr Total</b>		<b>92</b>	<b>158,433.00</b>
General Counsel	00	7	9,751.00
	12	1	2,282.00
	13	19	38,891.00
	14	21	35,486.00
	15	32	57,840.00
<b>General Counsel Total</b>		<b>80</b>	<b>144,250.00</b>
Policy & Pgm Analysis	11	1	1,298.00
	12	6	7,223.00
	13	7	5,997.00
	14	8	9,242.00
	15	15	21,967.00
<b>Policy &amp; Pgm Analysis Total</b>		<b>37</b>	<b>45,727.00</b>
Nat Cap Region Coord	13	1	2,770.00
<b>Nat Cap Region Coord Total</b>		<b>1</b>	<b>2,770.00</b>
Equal Rights	07	1	800.00
	09	1	900.00
	11	2	1,800.00
	12	6	6,700.00
	13	2	2,400.00
	14	2	2,800.00
<b>Equal Rights Total</b>		<b>14</b>	<b>15,400.00</b>
Grants	13	1	1,500.00
<b>Grants Total</b>		<b>1</b>	<b>1,500.00</b>
Response & Recovery	09	1	2,000.00
	13	6	13,980.00
	14	1	2,160.00
	15	5	15,900.00
<b>Response &amp; Recovery Total</b>		<b>13</b>	<b>34,040.00</b>
RR - Response Dir	08	1	1,695.00
	09	7	10,650.00
	11	13	13,650.00
	12	87	118,325.00
	13	69	131,801.00
	14	43	87,400.00
	15	28	73,397.00
<b>RR - Response Dir Total</b>		<b>248</b>	<b>436,918.00</b>
RR - Recovery Dir	06	7	12,316.00

	07	13	20,106.00
	08	1	1,178.00
	09	70	150,072.00
	11	60	124,090.00
	12	83	202,346.00
	13	47	124,712.00
	14	30	80,347.00
	15	18	46,030.00
<b>RR - Recovery Dir Total</b>		<b>329</b>	<b>761,197.00</b>
RR - Logistics Dir	06	13	10,400.00
	07	5	4,000.00
	08	2	2,400.00
	09	3	4,950.00
	11	28	29,402.00
	12	19	26,620.00
	13	18	23,153.00
	14	11	21,759.00
	15	5	9,155.00
<b>RR - Logistics Dir Total</b>		<b>104</b>	<b>131,839.00</b>
RR - FCO	07	1	800.00
	09	2	1,800.00
	13	1	3,000.00
	15	14	36,341.00
<b>RR - FCO Total</b>		<b>18</b>	<b>41,941.00</b>
Mission Support	12	1	1,000.00
	13	1	4,000.00
	14	2	3,700.00
	15	3	7,500.00
<b>Mission Support Total</b>		<b>7</b>	<b>16,200.00</b>
MSB - CAO	11	6	11,600.00
	12	9	16,500.00
	13	7	14,900.00
	14	8	22,400.00
	15	2	10,000.00
<b>MSB - CAO Total</b>		<b>32</b>	<b>75,400.00</b>
MSB - CIO	00	3	3,793.00
	07	2	2,700.00
	09	9	7,000.00
	11	18	25,417.00
	12	39	56,123.00
	13	22	42,428.00
	14	28	59,250.00

	15	13	41,600.00
<b>MSB - CIO Total</b>		<b>134</b>	<b>238,311.00</b>
MSB - CHCO	05	1	500.00
	07	5	1,250.00
	08	8	2,500.00
	09	5	3,000.00
	11	5	5,250.00
	12	14	11,250.00
	13	23	19,858.00
	14	14	25,000.00
	15	3	8,000.00
<b>MSB - CHCO Total</b>		<b>78</b>	<b>76,608.00</b>
MSB - CPO	07	4	3,790.00
	09	2	1,065.00
	11	4	5,375.00
	12	10	14,540.00
	13	29	37,580.00
	14	34	50,510.00
	15	13	24,545.00
<b>MSB - CPO Total</b>		<b>96</b>	<b>137,405.00</b>
MSB - CSO	07	8	4,400.00
	09	11	11,286.00
	11	7	10,540.00
	12	18	21,794.00
	13	17	25,076.00
	14	3	5,070.00
	15	3	9,648.00
<b>MSB - CSO Total</b>		<b>67</b>	<b>87,814.00</b>
MSB - EBU	09	1	500.00
	11	1	2,500.00
	12	1	1,000.00
	13	1	4,000.00
	14	2	2,500.00
	15	2	6,000.00
<b>MSB - EBU Total</b>		<b>8</b>	<b>16,500.00</b>
Protection & Nat Prep	05	1	1,200.00
	11	1	1,200.00
	12	2	3,900.00
	13	4	3,594.00
	14	1	1,000.00
	15	2	6,000.00
<b>Protection &amp; Nat Prep Total</b>		<b>11</b>	<b>16,894.00</b>

PNP - Nat Prep	05	4	3,763.00
	06	5	4,671.00
	07	7	8,161.00
	08	2	2,710.00
	09	11	13,644.00
	11	15	12,880.00
	12	31	40,230.00
	13	54	76,494.00
	14	33	60,473.00
	15	16	39,478.00
<b>PNP - Nat Prep Total</b>		<b>178</b>	<b>262,504.00</b>
PNP - Grants	04	2	1,558.00
	09	1	3,000.00
	11	5	5,837.00
	12	9	17,116.00
	13	46	64,437.00
	14	18	24,232.00
	15	14	33,261.00
<b>PNP - Grants Total</b>		<b>95</b>	<b>149,441.00</b>
PNP - NCP	04	7	8,350.00
	05	1	1,000.00
	06	7	5,900.00
	07	19	19,750.00
	08	17	23,200.00
	09	16	20,194.00
	10	6	8,000.00
	11	39	57,763.00
	12	37	48,863.00
	13	50	65,270.00
	14	25	40,235.00
	15	12	38,689.00
<b>PNP - NCP Total</b>		<b>236</b>	<b>337,214.00</b>
PNP - NCRC	11	1	500.00
	13	4	7,475.00
	14	1	2,500.00
	15	2	2,500.00
<b>PNP - NCRC Total</b>		<b>8</b>	<b>12,975.00</b>
Fed Ins & Mitigation	12	2	2,593.00
	14	1	1,204.00
	15	1	1,472.00
<b>Fed Ins &amp; Mitigation Total</b>		<b>4</b>	<b>5,269.00</b>

FIMA - Mitigation	08	1	1,472.00
	09	3	5,061.00
	11	1	2,096.00
	12	10	9,314.00
	13	20	30,823.00
	14	31	45,405.00
	15	10	13,644.00
<b>FIMA - Mitigation Total</b>	<b>76</b>		<b>107,815.00</b>
FIMA - Insurance	08	2	2,129.00
	11	1	1,296.00
	12	6	5,092.00
	13	20	33,430.00
	14	12	19,802.00
	15	3	6,252.00
<b>FIMA - Insurance Total</b>	<b>44</b>		<b>68,001.00</b>
National Preparedness	12	1	1,250.00
	15	2	2,980.00
<b>National Preparedness Total</b>	<b>3</b>		<b>4,230.00</b>
National Continuity	12	1	494.00
<b>National Continuity Total</b>	<b>1</b>		<b>494.00</b>
Fire Administration	04	5	3,520.00
	05	2	1,408.00
	06	1	704.00
	07	9	6,984.00
	08	3	2,816.00
	09	6	7,744.00
	11	7	9,856.00
	12	9	15,136.00
	13	22	22,784.00
	14	9	14,432.00
<b>Fire Administration Total</b>	<b>73</b>		<b>85,384.00</b>
Region One	07	2	2,573.00
	09	2	4,100.00
	11	4	7,646.00
	12	18	27,366.00
	13	16	22,034.00
	14	17	33,620.00
	15	7	16,312.00
<b>Region One Total</b>	<b>66</b>		<b>113,651.00</b>
Region Two	07	1	2,780.00
	09	2	4,953.00



	11	1	2,869.00
	12	24	56,324.00
	13	21	59,906.00
	14	5	15,888.00
	15	1	4,314.00
<b>Region Two Total</b>		<b>55</b>	<b>147,034.00</b>
Region Three	05	1	250.00
	07	5	2,050.00
	09	3	1,150.00
	11	4	4,000.00
	12	40	39,521.00
	13	27	30,500.00
	14	10	18,750.00
	15	6	16,000.00
<b>Region Three Total</b>		<b>96</b>	<b>112,221.00</b>
Region Four	00	1	809.00
	05	1	862.00
	07	3	2,644.00
	08	16	12,783.00
	09	11	12,094.00
	11	15	13,482.00
	12	115	113,255.00
	13	59	71,967.00
	14	21	25,032.00
	15	12	18,704.00
<b>Region Four Total</b>		<b>254</b>	<b>271,632.00</b>
Region Five	07	3	4,500.00
	11	2	4,000.00
	12	25	48,144.00
	13	19	38,656.00
	14	15	36,000.00
	15	5	17,000.00
<b>Region Five Total</b>		<b>69</b>	<b>148,300.00</b>
Region Six	07	3	4,500.00
	08	2	4,500.00
	09	1	750.00
	11	6	9,750.00
	12	53	99,333.00
	13	28	54,000.00
	14	13	31,475.00
	15	1	3,000.00
<b>Region Six Total</b>		<b>107</b>	<b>207,308.00</b>

Region Seven	07	3	3,774.00
	09	6	5,051.00
	11	12	10,596.00
	12	48	61,285.00
	13	32	44,901.00
	14	15	22,082.00
	15	3	3,019.00
<b>Region Seven Total</b>		<b>119</b>	<b>150,708.00</b>
Region Eight	07	1	1,703.00
	09	2	3,635.00
	11	5	6,851.00
	12	35	56,702.00
	13	27	46,801.00
	14	13	21,241.00
	15	4	6,601.00
<b>Region Eight Total</b>		<b>87</b>	<b>143,534.00</b>
Region Nine	00	1	750.00
	07	5	5,339.00
	09	5	4,170.00
	11	3	3,025.00
	12	43	33,590.00
	13	45	45,168.00
	14	23	27,430.00
	15	12	47,690.00
<b>Region Nine Total</b>		<b>137</b>	<b>167,162.00</b>
Region Ten	07	11	10,566.00
	09	4	4,478.00
	11	5	8,183.00
	12	54	68,540.00
	13	20	27,372.00
	14	6	7,649.00
<b>Region Ten Total</b>		<b>100</b>	<b>126,788.00</b>
<b>Grand Total</b>		<b>3227</b>	<b>5,166,312.00</b>

**QSI (Quality Step Increases)**

Calendar Year 2013

<u>Organization/Grade</u>	<u># of Employees</u>	<u>Diff Salary</u>
<b>RR - Response Dir</b>	<b>1</b>	<b>4,125.00</b>
15	1	4,125.00
<b>MSB - CIO</b>	<b>1</b>	<b>2,496.00</b>
12	1	2,496.00
<b>MSB - CPO</b>	<b>1</b>	<b>4,125.00</b>
15	1	4,125.00
<b>FIMA - Mitigation</b>	<b>6</b>	<b>19,732.00</b>
13	3	8,904.00
14	3	10,828.00
<b>FIMA - Insurance</b>	<b>5</b>	<b>17,075.00</b>
13	2	5,936.00
14	2	7,014.00
15	1	4,125.00
<b>Region Four</b>	<b>2</b>	<b>5,247.00</b>
12	1	2,397.00
13	1	2,850.00
<b>Region Eight</b>	<b>1</b>	<b>2,461.00</b>
12	1	2,461.00
<b>Region Nine</b>	<b>2</b>	<b>7,043.00</b>
13	1	3,228.00
14	1	3,815.00
<b>Grand Total</b>	<b>19</b>	<b>62,304.00</b>

**Employee Count**  
**PP 2013-26**

Mysort	Organization	SES	PAS	Schd C	PFT	PPT	TFT	TPT	TIE	STEP	CORE	DAE	RSV	Other	Total
0100	Administrator	3	3	2	6	0	3	0	0	0	1	0	0	0	18
0110	AD - Exec Secretariat	0	0	0	4	0	0	0	0	0	0	0	0	0	4
0120	AD - Regional Ops	0	0	0	5	0	0	0	0	0	0	0	0	0	5
0150	AD - Law Enforcement	1	0	0	2	0	0	0	0	0	0	0	0	0	3
0160	AD - Fth Based & Comm	0	0	1	2	0	0	0	0	0	0	0	0	0	3
0170	AD - Dsby Int Coord	0	0	0	1	0	1	0	0	0	4	0	20	0	26
0200	External Affairs Dir	3	0	3	61	0	19	0	0	0	14	1	576	0	677
0300	Chief Financial Ofcr	4	0	0	173	0	18	0	0	0	76	0	111	0	382
0500	Chief Counsel	3	0	0	77	1	17	0	0	0	72	0	43	0	213
0700	Policy & Pgm Analysis	3	0	0	32	0	5	0	0	0	1	0	0	0	41
0800	**PAR - 0800	0	0	0	1	0	0	0	0	0	0	0	0	0	1
0900	Equal Rights	0	0	0	21	0	0	0	0	0	1	0	47	0	69
1000	**PAR - 1000	0	0	0	2	0	0	0	0	0	0	0	0	0	2
2200	Response & Recovery	4	0	0	24	0	1	0	0	0	1	0	0	0	30
2220	**PAR - 2220	0	0	0	1	0	0	0	0	0	1	0	0	0	2
2220	RR - Response Dir	4	0	0	517	0	14	2	0	0	117	0	479	3	1,136
2230	**PAR - 2230	0	0	0	0	0	0	0	0	0	2	0	0	0	2
2230	RR - Recovery Dir	4	0	0	369	0	10	0	0	0	1,212	0	3,009	0	4,604
2240	RR - Logistics Dir	1	0	0	190	0	12	0	0	0	18	0	692	0	913
2250	RR - FCO	1	0	0	4	0	47	0	0	0	2	0	56	0	110
3100	**PAR - 3100	0	0	0	1	0	0	0	0	0	0	0	0	0	1
3100	Mission Support	1	0	0	8	0	0	0	0	0	1	0	0	0	10
3120	MSB - CAO	1	0	0	93	0	5	0	0	0	9	0	32	0	140
3130	**PAR - 3130	0	0	0	2	0	0	0	0	0	1	0	244	0	247
3130	MSB - CIO	3	0	0	237	0	4	0	0	0	176	0	17	0	437
3150	MSB - CHCO	1	0	0	108	2	2	0	0	0	31	0	80	0	224
3160	MSB - CPO	3	0	0	150	0	3	0	0	0	39	0	40	0	235
3170	MSB - CSO	1	0	0	71	0	3	0	0	0	76	0	79	0	230
3180	MSB - EBU	1	0	0	31	0	0	0	0	0	1	0	0	0	33
4100	Protection & Nat Prep	6	0	1	17	0	1	0	0	0	0	0	0	0	25
4120	PNP - Nat Prep	5	1	0	369	1	14	0	0	0	5	0	56	0	451
4130	PNP - Grants	0	0	0	164	0	5	0	0	0	0	0	0	0	169
4140	PNP - NCP	4	0	0	512	0	4	0	0	0	0	0	0	0	520
4150	PNP - NCRC	0	0	0	12	0	0	0	0	0	0	0	0	0	12
5100	Fed Ins & Mitigation	4	0	1	5	0	1	1	0	0	0	0	0	0	12
5110	FIMA - Mitigation	0	0	0	106	1	1	0	0	0	21	0	699	0	828
5120	FIMA - Insurance	0	0	0	84	0	0	0	0	0	0	0	0	0	84
6000	**PAR - 6000	0	0	0	4	0	0	0	0	0	0	0	0	0	4
7000	**PAR - 7000	0	0	0	1	0	0	0	0	0	0	0	0	0	1
8000	Fire Administration	2	0	0	119	2	0	1	0	0	0	0	0	0	124
9011	Region One	0	0	0	111	0	1	0	0	0	41	4	0	0	157
9021	Region Two	1	0	0	136	2	4	0	0	0	81	255	0	0	479
9031	Region Three	1	0	0	120	0	7	0	0	0	46	12	0	0	186
9041	Region Four	1	0	0	184	0	8	0	0	0	215	1	0	0	409
9051	Region Five	1	0	0	138	0	8	0	0	0	41	11	0	0	199
9061	Region Six	0	0	0	145	0	8	0	0	0	365	19	0	0	537
9071	Region Seven	1	0	0	124	0	6	0	0	0	90	11	0	0	232

9081	Region Eight	0	0	0	106	0	5	0	0	0	83	51	0	0	245
9091	Region Nine	1	0	0	157	0	10	0	0	0	40	1	0	0	209
9101	Region Ten	1	0	0	102	0	2	0	0	0	43	5	0	0	153
9995	Total OnBoard	70	4	8	4,909	9	249	4	0	0	2,927	371	6,280	3	14,834

**Travel**

**Question:** Please provide for the record a table that shows all funds expended by FEMA political employees for travel in 2013. Include name of individual traveling, purpose of travel, location(s) visited, and total cost.

**ANSWER:** Please see attachment #7.

VENDOR ALPHA	OBLIGATION NUM	REFERENCE NUM	PERIOD BEGIN	PERIOD END	EXPENDITURES	LAST TRANS	Purpose	Destination
ANDERSON, LARS D	EMN-2013-TG-4085	R-13-T-00085704	1/8/2013	11/02/2013	143.85	2/5/2013	Mission Operational	New York, NY
		R-13-T-00085705	1/8/2013	1/20/2013	524.26	2/5/2013	Mission Operational	New York, NY
	OFAX-13T10340000164	R-13-T-00105454	2/6/2013	2/6/2013	1,114.49	3/7/2013	Special Mission	New York, NY
	OEAX-13T10340000132	R-13-T-00111938	3/25/2013	3/26/2013	1,246.00	5/3/2013	Special Mission	New Orleans
	OEAX-13T10340000286	R-13-T-00140572	5/8/2013	5/9/2013	810.76	6/7/2013	Special Mission	Fl Lauderdale
BATKIN, JOSHUA C	OEAX-13T10340000182	R-13-T-00144415	6/1/2013	6/18/2013	655.27	7/24/2013	Special Mission	Atlanta
	EMN-2014-TG-0001A	R-14-T-00005640	11/13/2013	11/14/2013	63.82	12/21/2013	Training	EMI
		R-14-T-00005641	11/13/2013	11/14/2013	129.78	12/21/2013	Training	EMI
	EMT-2013-TG-4117	R-13-T-00116202	7/15/2013	7/21/2013	1,191.10	8/20/2013	Mission Operational	Oklahoma City
	OEAX-2014-TT-ADM001	R-14-T-00029911	12/9/2013	12/13/2013	188.29	12/20/2013	FCO Trip	Atlanta
BECKHAM, STEWARD D		R-14-T-00099197	12/9/2013	12/13/2013	825.58	12/30/2013	FCO Trip	Atlanta
	OEAX-13T1070000018	R-14-T-00013176	5/18/2013	9/16/2013	111.10	11/7/2013	Information Meeting	Local
	OEAX-13T10700000413	R-14-T-00013179	8/7/2013	8/8/2013	157.13	11/7/2013	Training	EMI
	OEAX-13T10700000484	R-14-T-00013517	9/19/2013	9/19/2013	217.65	11/8/2013	Conference	Minneapolis, Chicago
	OEAX-13T1070000484	R-14-T-00095588	9/19/2013	9/20/2013	674.93	10/18/2013	Conference	Minneapolis, Chicago
BUCKINGHAM, PATRICIA A	OEAX-14T1070000008	R-14-T-00013517	10/7/2013	10/30/2013	2,121.89	11/8/2013	Conference	Charlotte
	NCRIC-13695900000008	R-13-T-00104063	2/25/2013	2/26/2013	268.82	3/12/2013	Meeting	Gettysburg
	NCRIC-13695900000010	R-13-T-00104103	2/25/2013	2/22/2013	214.84	3/12/2013	Meeting	Philadelphia
	NCRIC-13695900000026	R-13-T-00104858	8/25/2013	8/27/2013	1,035.86	9/25/2013	Meeting	Kansas City
	NCRIC-13695900000009	R-13-T-00095262	2/6/2013	2/13/2013	34.05	2/27/2013	Meeting	Local
CAMP, GWYN M	NCRIC-13695900000020	R-13-T-00128590	4/18/2013	4/18/2013	114.11	5/6/2013	Meeting	Local
	NCPA-13T146200000484	R-13-T-00123734	4/1/2013	4/1/2013	368.95	4/30/2013	Training	EMI
	WECG-13T17170010135	R-13-T-00206213	8/14/2013	8/16/2013	1,162.21	9/18/2013	Training	New York, NY
	NFOPN-13T1720001500	R-13-T-00186227	8/11/2013	8/12/2013	467.19	9/18/2013	Training	Philadelphia
	NFOPN-13T1720001501	R-13-T-00186128	8/26/2013	8/30/2013	1,509.80	9/18/2013	Meeting	Minneapolis, Denver
COEN, MICHAEL	NFOPN-13T1720001766	R-13-T-00193950	9/21/2013	8/24/2013	896.63	9/24/2013	Speech	Houston
	NFOPN-13T1720001771	R-13-T-00193711	9/21/2013	9/13/2013	447.85	9/24/2013	Training	Orlando
	TANUM7394	R-14-T-00014306	11/23/2013	11/24/2013	208.37	11/20/2013	Training	Orlando
		R-14-T-00014307	11/21/2013	11/24/2013	555.55	11/20/2013	Training	Orlando
	EMN-2013-TG-4085	R-13-T-00109537	2/28/2013	3/1/2013	524.16	3/15/2013	Mission Operational	New York, NY
CRAWFORD, JAMES L	OEAX-13T103400000511	R-13-T-00105458	8/5/2013	8/5/2013	124.83	11/4/2013	Meeting	Atlanta
	OEAX-13T10340000215	R-13-T-00112676	2/25/2013	3/27/2013	1,806.77	4/15/2013	Conference	New Orleans
	OEAX-13T10340000292	R-13-T-00116809	5/8/2013	5/9/2013	857.45	5/7/2013	Special Mission	Fl Lauderdale
	OEAX-13T10340000403	R-13-T-00119201	8/7/2013	8/7/2013	918.23	8/26/2013	Mission Operational	Milwaukee
	TANUM10752	R-14-T-00005844	10/1/2013	10/1/2013	41.78	12/18/2013	Meeting	Atlanta
FREEMAN, DIETH A	TANUM10752	R-14-T-00005844	10/1/2013	10/1/2013	320.55	12/18/2013	Meeting	Atlanta
	TANUM10831	R-14-T-00024633	11/5/2013	11/5/2013	39.00	12/11/2013	Site Visit	New York, NY
		R-14-T-00024634	11/5/2013	11/5/2013	200.85	12/11/2013	Site Visit	New York, NY
	TANUM10762	R-14-T-00024156	11/1/2013	11/1/2013	20.00	12/11/2013	Site Visit	Kansas City
		R-14-T-00024157	11/1/2013	11/1/2013	447.85	12/11/2013	Site Visit	Kansas City
FUGATE, WILLIAM CRAIG	OEAX-13T10340000390	R-13-T-00167848	3/29/2013	6/28/2013	204.13	7/26/2013	Meeting	Local
	LVCH278	R-14-T-00013524	12/7/2013	12/7/2013	298.60	11/07/2013	Meeting	Local
	EMN-2013-TG-1761	R-13-T-00115502	6/21/2013	6/12/2013	334.63	7/2/2013	Mission Operational	Cedar Rapids
		R-13-T-00115601	6/12/2013	6/12/2013	166.10	7/2/2013	Mission Operational	Cedar Rapids
	EMN-2013-TG-1980	R-13-T-00145571	5/7/2013	5/23/2013	155.44	6/13/2013	Mission Operational	Joplin, MO
GEORGE, MICHAEL S	EMT-2013-TG-4117	R-13-T-00168548	7/15/2013	7/17/2013	899.76	7/31/2013	Mission Operational	Oklahoma City
	REG-13T06300000304	R-13-T-00111921	2/24/2013	3/1/2013	2,044.13	3/25/2013	Mission Operational	Baltimore
	REG-13T06300000326	R-13-T-00122487	3/1/2013	3/1/2013	1,094.15	3/25/2013	Mission Operational	Minneapolis, MN
	REG-13T06300000461	R-13-T-00119121	9/16/2013	9/18/2013	888.16	9/26/2013	Meeting	Ames, IA
	REG-13T06300000779	R-13-T-00117634	7/26/2013	8/1/2013	1,267.54	8/13/2013	Mission Operational	Dallas
HARRIS, JAMES L	REG-13T06300000833	R-13-T-00181491	8/26/2013	8/26/2013	179.62	9/5/2013	Mission Operational	Lincoln, NE
	REG-13T06300000973	R-13-T-00181491	8/26/2013	8/26/2013	1,686.47	9/5/2013	Conference	Anchorage
	REG-13T06300001093	R-14-T-00008639	9/27/2013	9/27/2013	1,112.75	10/24/2013	Training	EMI
	TANUM10504	R-14-T-00036633	11/9/2013	12/13/2013	293.34	1/2/2014	Meeting	Atlanta
		R-14-T-00036634	12/9/2013	12/13/2013	761.40	1/22/2014	Meeting	Atlanta
HARRIS, JAMES L	LVCH278	R-14-T-00013524	12/7/2013	12/7/2013	298.60	11/07/2013	Meeting	Local
	EMN-2013-TG-4085	R-13-T-00109537	2/28/2013	3/1/2013	504.16	3/14/2013	Mission Operational	New York, NY
		R-13-T-00109538	2/28/2013	3/1/2013	767.43	9/27/2013	Mission Operational	New York, NY
	EMN-2013-TG-4086	R-13-T-00107527	1/10/2013	1/10/2013	729.81	1/23/2013	Mission Operational	Newark, NJ
	EMT-2013-TG-4117	R-13-T-00148664	5/25/2013	5/26/2013	1,047.03	6/13/2013	Mission Operational	Oklahoma City
HARRIS, JAMES L	EMN-2014-TT-ADM001	R-14-T-00025487	11/1/2013	11/16/2013	1,071.92	11/13/2013	Mission Operational	Oklahoma City
	EMN-2014-TT-ADM003	R-14-T-00022181	11/5/2013	11/5/2013	299.54	12/5/2013	Site Visit	New York, NY
	EMN-2014-TT-ADM004	R-14-T-00022185	11/7/2013	11/7/2013	556.54	12/5/2013	Site Visit	Boston
	EMN-2014-TT-ADM007	R-14-T-00022833	10/27/2013	10/29/2013	1,480.30	12/6/2013	Conference	Asheville, NC, Orlando
	EMN-2014-TT-ADM009	R-14-T-00025487	11/1/2013	11/16/2013	5,119.80	12/17/2013	Meeting	Brussels, Belgium
HARRIS, JAMES L	OEAX-13T06300000149	R-13-T-00088725	1/23/2013	1/23/2013	887.79	3/7/2013	Mission Operational	Colorado Springs
	OEAX-13T06300000214	R-13-T-00111887	3/22/2013	3/27/2013	1,419.37	4/8/2013	Conference	New Orleans, Denver
	OEAX-13T06300000219	R-13-T-00126122	4/1/2013	4/1/2013	343.07	6/11/2013	Meeting	Washington D.C.
	OEAX-13T06300000220	R-13-T-00126130	4/1/2013	4/1/2013	1,306.17	6/24/2013	Mission Operational	San Juan PR, St. Thomas
	OEAX-13T06300000265	R-13-T-00140579	4/23/2013	4/22/2013	369.07	5/28/2013	Speech	Atlanta
HARRIS, JAMES L	OEAX-13T06300000288	R-13-T-00145126	5/3/2013	5/3/2013	347.57	6/13/2013	Speech	Gainesville, FL
	OEAX-13T06300000746	R-13-T-00161096	5/9/2013	5/9/2013	1,454.28	7/26/2013	Speech	Fl Lauderdale, Newark, New York
	OEAX-13T06300000115	R-13-T-00151204	5/23/2013	5/23/2013	770.58	7/5/2013	Mission Operational	Miami
	OEAX-13T06300000355	R-13-T-00151819	6/1/2013	6/18/2013	565.35	7/5/2013	Speech	Atlanta
	OEAX-13T06300000374	R-13-T-00170362	7/26/2013	7/20/2013	1,486.53	8/6/2013	Mission Operational	Seattle
HARRIS, JAMES L	OEAX-13T06300000375	R-13-T-00170376	7/22/2013	7/22/2013	1,613.07	8/6/2013	Mission Operational	Dartmouth, Orlando
	OEAX-13T06300000405	R-13-T-00174508	7/29/2013	7/31/2013	699.07	8/26/2013	Training	Fort Worth, TX
	OEAX-13T06300000401	R-13-T-00178104	8/7/2013	8/4/2013	898.23	8/26/2013	Mission Operational	Milwaukee
	OEAX-13T06300000427	R-13-T-00194640	8/12/2013	8/12/2013	898.87	10/27/2013	Meeting	Gainesville, FL
	OEAX-13T06300000440	R-13-T-00191314	8/28/2013	8/29/2013	1,079.85	9/26/2013	Meeting	Burlington, VT
HARRIS, JAMES L	TANUM10745	R-14-T-00022835	12/1/2013	12/1/2013	327.85	12/17/2013	Meeting	Atlanta
	EMN-2013-TG-4085	R-13-T-00109537	9/4/2013	9/4/2013	585.43	9/27/2013	Mission Operational	New York, NY
	EMN-2013-TG-4086	R-13-T-00107524	1/10/2013	1/10/2013	729.81	1/23/2013	Mission Operational	Newark, NJ
	EMT-2013-TG-4117	R-13-T-00148691	5/27/2013	5/27/2013	568.02	6/13/2013	Mission Operational	Oklahoma City
	EMN-2014-TT-ADM001	R-14-T-00025487	11/1/2013	11/16/2013	731.54	12/6/2013	Site Visit	New York, NY
HARRIS, JAMES L	EMN-2014-TT-ADM007	R-14-T-00023026	11/7/2013	11/7/2013	578.54	12/5/2013	Site Visit	Boston
	EMN-2014-TT-ADM008	R-14-T-00022882	10/27/2013	10/27/2013	1,519.70	12/9/2013	Conference	Asheville, NC, Orlando
	EMN-2014-TT-ADM010	R-14-T-00025884	11/1/2013	11/16/2013	3,281.92	12/17/2013	Meeting	Brussels, Belgium
	OEAX-13T10340000151	R-13-T-00088724	9/2/2013	1/23/2013	902.87	1/7/2014	Mission Operational	Colorado Springs
	OEAX-13T10340000189	R-13-T-00114762	2/24/2013	2/28/2013	748.01	3/25/2013	Training	EMI
HARRIS, JAMES L	OEAX-13T10340000221	R-13-T-00113788	4/10/2013	4/12/2013	1,394.27	5/2/2013	Mission Operational	San Juan PR, St. Thomas
	OEAX-13T10340000266	R-13-T-00140582	4/22/2013	4/22/2013	800.68	5/28/2013	Mission Operational	Atlanta
	OEAX-13T10340000300	R-13-T-00145915	5/9/2013	5/9/2013	943.85	6/13/2013	Mission Operational	New York, NY
	OEAX-13T10340000335	R-13-T-00160444	5/30/2013	6/4/2013	902.59	7/12/2013	Mission Operational	Miami

HART, PATRICK J HATHFIELD, JEROME	DADE13713700000154	R-13-T-00152411	6/17/2013	6/18/2013	609.35	7/26/2013	Mission Operational	Atlanta
	DADE13713700000176	R-13-T-00136787	7/12/2013	7/12/2013	395.07	8/6/2013	Mission Operational	Danbury/Ontario
	DADE13713700000400	R-13-T-00135714	7/16/2013	8/2/2013	1,844.00	9/6/2013	Mission Operational	Milwaukee
	DADE13713700000470	R-13-T-001372818	7/16/2013	7/20/2013	1,556.53	8/13/2013	Mission Operational	Seattle
	DADE13713700000431	R-13-T-001801552	8/26/2013	8/24/2013	2,000.18	9/19/2013	Meeting	Tallahassee, FL
	DADE13713700000443	R-13-T-001891554	8/28/2013	8/26/2013	1,324.10	9/19/2013	Meeting	Buffington, VT
	TANUM10777	R-14-T-00028266	12/31/2013	12/31/2013	22.90	12/26/2013	Meeting	Atlanta
		R-14-T-00028267	12/31/2013	12/31/2013	327.85	12/26/2013	Meeting	Atlanta
	DADE13197240000510	R-14-T-00008529	7/25/2013	9/6/2013	206.76	10/24/2013	Meeting	Local
	QANM13780500000236	R-13-T-00131777	4/25/2013	4/26/2013	396.98	5/7/2013	Conference	Washington D.C
KAMOH, BRIAN E	QANM13780500000395	R-13-T-00135919	7/19/2013	7/23/2013	60.84	8/6/2013	Conference	Washington D.C
	TANUM10526	R-14-T-00035027	12/9/2013	12/12/2013	323.50	1/15/2014	Meeting	Atlanta
		R-14-T-00035028	12/9/2013	12/12/2013	1,160.35	1/15/2014	Meeting	Atlanta
	TANUM10748	R-14-T-00031212	12/25/2013	12/19/2013	553.50	1/7/2014	Meeting	St. Thomas, US/Is. Juan, PU/ New York
		R-14-T-00031213	12/25/2013	12/19/2013	2,097.98	1/7/2014	Meeting	St. Thomas, US/Is. Juan, PU/ New York
	TANUM7590	R-14-T-00044267	11/21/2013	11/21/2013	53.25	2/19/2014	Meeting	Washington D.C
		R-14-T-00044268	11/21/2013	11/21/2013	398.75	2/19/2014	Meeting	Washington D.C
	TANUM9520	R-14-T-00010362	1/17/2013	12/21/2013	54.25	1/5/2014	Meeting	Washington D.C
		R-14-T-00010361	1/21/2013	12/18/2013	467.34	1/5/2014	Meeting	Washington D.C
	GPOD137468400000379	R-13-T-00184950	6/4/2013	6/7/2013	908.19	7/25/2013	Speech	Los Angeles
KAUFMAN, DAVID J	GPOD13746840000435	R-14-T-001301332	9/8/2013	9/3/2013	2,525.17	11/6/2013	Meeting	Anchorage
	GPOD13746840000470	R-14-T-00059561	9/17/2013	9/19/2013	1,233.19	10/18/2013	Site Visit	New York, NY
	GPOD13746840000510	R-14-T-00096230	9/27/2013	9/17/2013	610.93	10/24/2013	Meeting	Detroit, MI
	GPOD13746840000003	R-14-T-00013655	10/27/2013	10/29/2013	897.23	11/8/2013	Conference	Reno, NV
	GPOD13746840000410	R-13-T-001386174	5/15/2013	5/14/2013	190.89	9/11/2013	Meeting	Local
	OPPA13712400000083	R-14-T-00024814	12/12/2012	7/29/2013	332.34	12/12/2013	Meeting	Local
	OPPA13712400000024	R-13-T-00090829	1/6/2013	1/13/2013	4,662.14	2/11/2013	Training	Isral
	OPPA13712400000202	R-13-T-00013895	2/20/2013	2/21/2013	804.27	3/7/2013	Mission Operational	San Francisco
	OPPA13712400000044	R-13-T-00106053	2/25/2013	2/16/2013	275.34	3/8/2013	Mission Operational	Geddyburg
	OPPA13712400000053	R-13-T-00152553	5/25/2013	5/31/2013	3,611.17	6/21/2013	Mission Operational	Germany
KAWANO, TOSHIO	OPPA13712400000064	R-13-T-00106053	5/25/2013	5/31/2013	1,835.88	8/13/2013	Speech	Singapore, Chicago
	OPPA13712400000064	R-13-T-00106053	8/30/2013	9/5/2013	1,356.96	10/18/2013	Speech	Melbourne, Australia
	TANUM10231	R-14-T-00035548	12/9/2013	12/13/2013	981.10	1/15/2014	Conference	Paris, France
		R-14-T-00035549	12/9/2013	12/13/2013	2,165.60	1/15/2014	Conference	Paris, France
	OPPA13712400000004	R-13-T-00090867	9/27/2013	9/16/2013	120.76	11/3/2013	Meeting	Local
	NPDH0137136240000355	R-13-T-00084986	2/14/2013	1/18/2013	1,219.21	2/5/2013	Conference	San Diego
	NPDH013713624000040540	R-13-T-00109619	2/19/2013	2/22/2013	2,014.52	3/14/2013	Conference	Montreal, CA
	NPDH0137136240000782	R-13-T-00107102	3/25/2013	2/26/2013	154.37	3/11/2013	Training	EM
	NPDH0137136240000812	R-13-T-00144424	5/12/2013	5/18/2013	1,779.46	6/26/2013	Mission Operational	Hungry, Belgium
	NPDH0137136240001129	R-13-T-00152147	6/10/2013	6/12/2013	1,171.53	6/13/2013	Mission Operational	College Station, TX
KAWANO, TOSHIO	NPDH0137136240001256	R-13-T-00151628	8/17/2013	6/20/2013	1,958.48	7/16/2013	Mission Operational	Las Vegas, Seattle
		R-13-T-001388127	8/17/2013	8/23/2013	1,463.12	9/18/2013	Speech	Hong Kong, Ball
	NPDH0137136240001345	R-14-T-000909103	9/24/2013	9/27/2013	1,258.77	10/28/2013	Meeting	Albuquerque
		R-14-T-000911486	9/24/2013	9/26/2013	14.35	11/26/2013	Meeting	Albuquerque
	NPDH0137136240003048	R-13-T-00192038	9/8/2013	9/13/2013	2,899.06	9/27/2013	Speech	Anchorage
	TANUM4869	R-14-T-00021660	11/11/2013	11/15/2013	215.38	12/4/2013	Meeting	Montreal, CA
		R-14-T-00021661	11/13/2013	11/15/2013	1,155.02	12/4/2013	Meeting	Montreal, CA
	TANUM6100	R-14-T-00025388	12/26/2013	12/12/2013	86.75	1/15/2014	Meeting	Israel
	TANUM6144	R-14-T-00037524	11/22/2013	11/12/2013	52.25	11/22/2013	Meeting	Los Angeles
		R-14-T-00037525	11/12/2013	11/12/2013	14.75	11/22/2013	Meeting	Los Angeles
KAWANO, TOSHIO	TANUM7865	R-14-T-00024469	11/25/2013	11/26/2013	195.50	12/11/2013	Meeting	San Francisco
		R-14-T-00024470	11/25/2013	11/26/2013	1,016.19	12/11/2013	Meeting	San Francisco
	R-14-T-00045552	11/25/2013	11/25/2013	9.00	2/19/2014	Meeting	San Francisco	
	R-14-T-00045554	11/25/2013	11/25/2013	14.75	2/19/2014	Meeting	San Francisco	
	NPDH0137136240001854	R-14-T-00178987	8/27/2013	8/27/2013	200.00	8/26/2013	Mission Operational	Local
	UPH08	R-14-T-00031333	11/13/2013	12/12/2013	21.80	1/5/2014	Mission Operational	Local
	FWP 2013-TG-4145	R-14-T-00030886	9/21/2013	9/25/2013	199.65	1/5/2014	Mission Operational	Denver
		R-14-T-00030887	9/21/2013	9/25/2013	861.48	1/5/2014	Mission Operational	Denver
	EMAN-2013-TG-4086	R-13-T-00118134	2/12/2013	2/13/2013	108.42	4/22/2013	Mission Operational	Rewark, NJ
		R-13-T-00118135	2/12/2013	2/13/2013	138.20	4/18/2013	Mission Operational	Newark, NJ
MILLER, DAVID L		R-13-T-00138919	2/20/2013	2/20/2013	81.25	4/23/2013	Mission Operational	Newark, NJ
		R-13-T-00118920	2/20/2013	2/20/2013	350.26	4/30/2013	Mission Operational	Newark, NJ
		R-13-T-00152923	4/29/2013	4/29/2013	75.05	6/24/2013	Mission Operational	Newark, NJ
		R-13-T-00152924	4/29/2013	4/29/2013	495.15	6/24/2013	Mission Operational	Newark, NJ
	MTF13715120000727	R-13-T-00084099	6/17/2013	7/17/2013	1,559.63	8/13/2013	Mission Operational	Newark, NJ/New York, NY
		R-11-T-00092889	1/30/2013	3/31/2013	1,049.79	3/13/2013	Conference	Hartford, CT
	MTF13715120000352	R-13-T-00105173	5/25/2013	3/26/2013	187.96	5/7/2013	Conference	Geddyburg
	MTF13715120000430	R-13-T-000908224	5/25/2013	5/8/2013	1,351.33	6/25/2013	Conference	Anchorage
	MTF13715120000905	R-13-T-00144424	6/26/2013	6/26/2013	783.74	7/26/2013	Mission Operational	New York, NY
	MTF13715120000555	R-13-T-00178121	7/14/2013	7/21/2013	1,997.33	8/26/2013	Conference	Broomfield, CO/Des Moines, IA
MITCHELL, ERNEST	MTF13715120000614	R-13-T-0017405	7/29/2013	7/31/2013	1,022.39	8/26/2013	Mission Operational	Dallas
	MTF13715120000615	R-13-T-00178206	8/7/2013	8/10/2013	1,527.96	9/26/2013	Mission Operational	New Orleans
	MTF13715120000648	R-14-T-00037518	8/20/2013	8/21/2013	838.97	11/8/2013	Meeting	Bikini
	MTF13715120000707	R-14-T-00030585	9/8/2013	9/15/2013	3,405.76	1/5/2014	Conference	Norfolk, AK/Anchorage, AK
	MTF13715120000728	R-14-T-00037616	12/4/2013	12/8/2013	843.94	1/26/2014	Meeting	Cedar Rapids
	MTF13715120000811	R-14-T-00028196	10/26/2013	10/29/2013	1,109.47	12/26/2013	Conference	Reno, NV
	MTF13715120000906	R-13-T-00111237	7/25/2013	7/27/2013	28.76	7/25/2013	Meeting	Local
	MTF13715120000472	R-13-T-00155274	4/12/2013	4/28/2013	74.63	7/1/2013	Meeting	Local
	EMC-2014-T-0006	R-14-T-00036695	11/17/2013	11/22/2013	4,682.76	1/22/2014	Meeting	Sigan
	FWP 2013-TG-1383	R-13-T-00145037	4/14/2013	4/26/2013	138.35	6/11/2013	Mission Operational	Waco, TX
MITCHELL, ERNEST		R-14-T-00145038	4/24/2013	4/26/2013	884.26	6/11/2013	Mission Operational	Waco, TX
	TANUM12766	R-14-T-00036727	12/20/2013	12/28/2013	392.24	1/27/2014	Mission Operational	Wilmington, DE
	USFA13701840000099	R-13-T-00094246	1/29/2013	1/30/2013	270.76	3/1/2013	Mission Operational	Urbino, MO
	USFA13701840000115	R-13-T-00104101	2/25/2013	3/16/2013	95.33	3/7/2013	Mission Operational	EM
	USFA13701840000147	R-13-T-00125377	4/7/2013	4/10/2013	1,454.81	4/18/2013	Speech	Piscine
	USFA13701840000163	R-13-T-00151239	6/17/2013	6/10/2013	1,023.37	6/20/2013	Conference	Los Angeles
	USFA13701840000171	R-13-T-00168609	5/6/2013	5/7/2013	1,572.04	7/3/2013	Conference	Toronto, Canada
	USFA13701840000200	R-13-T-00184741	8/14/2013	8/18/2013	1,795.47	9/5/2013	Speech	Chicago
	USFA13701840000201	R-13-T-00181912	9/14/2013	9/22/2013	2,602.76	11/6/2013	Speech	Anchorage
	USFA13701840000218	R-13-T-00179039	7/8/2013	7/10/2013	821.93	8/26/2013	Mission Operational	Phoenix
MITCHELL, ERNEST	USFA13701840000249	R-14-T-00013098	9/11/2013	9/14/2013	867.87	11/13/2013	Speech	Boston
	USFA13701840000259	R-13-T-00178421	7/1/2013	7/1/2013	236.43	8/27/2013	Mission Operational	Urbino, MO
	USFA13701840000299	R-14-T-00013693	10/25/2013	10/27/2013	100.93	11/6/2013	Meeting	EMI
	USFA13701840000318	R-13-T-00160796	11/6/2013	7/31/2013	43.91	3/28/2014	Meeting	Local
	USFA1401840000016	R-14-T-00013096	10/24/2013	10/24/2013	13.26	11/6/2013	Meeting	Local





SERINO, RICHARD A	0AF813T2685000109	R-13-T-00089501	12/20/2012	1/22/2013	7,618.06	3/13/2013	Special Mission	Los Angeles
		R-13-T-00091292	1/21/2013	2/14/2013	5,313.33	2/17/2013	Special Mission	Los Angeles
		R-13-T-00111253	2/15/2013	3/26/2013	5,442.70	4/26/2013	Special Mission	Los Angeles
	0AF813T26850000225	R-13-T-00113780	4/19/2013	4/30/2013	2,340.26	5/7/2013	Special Mission	Los Angeles
	0AF813T26850001010	R-13-T-00134449	6/22/2013	6/23/2013	5,846.66	7/23/2013	Special Mission	Los Angeles
	0AF813T26850000130	R-13-T-00134807	7/7/2013	7/21/2013	5,818.69	8/6/2013	Special Mission	Los Angeles
	0AF813T26850000104	R-13-T-00155236	8/7/2013	8/26/2013	5,739.30	9/10/2013	Special Mission	Los Angeles
	0AF813T26850000016	R-14-T-00006441	9/7/2013	9/30/2013	5,760.11	10/31/2013	Special Mission	Los Angeles
	0AF813T26850000047	R-13-T-00018952	9/9/2013	9/7/2013	1,470.88	9/19/2013	Site Visit	Miami
	1ANUM1812	R-14-T-00021091	11/7/2013	11/27/2013	2,205.00	12/18/2013	Special Mission	Los Angeles
		R-14-T-00021098	11/28/2013	12/4/2013	5,798.36	12/27/2013	Special Mission	Los Angeles
		R-14-T-00021910	11/28/2013	12/4/2013	1,734.55	12/27/2013	Special Mission	Los Angeles
		R-14-T-00030496	12/5/2013	12/25/2013	1,665.93	1/7/2014	Special Mission	Los Angeles
		R-14-T-00041448	12/6/2013	1/10/2014	1,110.60	2/24/2014	Special Mission	Los Angeles
		R-14-T-00041449	12/6/2013	1/10/2014	2,880.55	2/14/2014	Special Mission	Los Angeles
	1ANUM1543	R-14-T-00019198	11/7/2013	11/31/2013	943.75	11/29/2013	Special Mission	Los Angeles
		R-14-T-00019199	11/7/2013	11/31/2013	1,770.48	11/29/2013	Special Mission	Los Angeles
	ENM-2013-TG-4085	R-13-T-00071431	1/8/2013	1/10/2013	895.99	1/15/2013	Mission Operational	New York, NY
	ENM-2013-TG-4086	R-13-T-00078260	1/8/2013	1/8/2013	201.26	1/22/2013	Mission Operational	Newark, NJ
	0AF813T51090000114	R-13-T-00114918	2/12/2013	3/1/2013	745.29	3/20/2013	Mission Operational	Milwaukee
	0AF813T51090000166	R-13-T-00133797	2/12/2013	2/16/2013	2,016.96	5/7/2013	Mission Operational	Paso Robles, CA/San Francisco
	0AF813T51090000188	R-13-T-00111313	2/25/2013	3/1/2013	1,715.90	3/29/2013	Mission Operational	Geddyburg
	0AF813T51090000253	R-13-T-00137076	4/18/2013	4/24/2013	416.93	6/8/2013	Mission Operational	Boston
	0AF813T51090000259	R-13-T-00133801	4/11/2013	4/16/2013	400.13	5/7/2013	Mission Operational	Boston
	0AF813T51090000276	R-13-T-00147745	5/2/2013	5/14/2013	1,350.91	5/13/2013	Speech	New Haven, CT/New York/Boston
	0AF813T51090000119	R-13-T-00133801	5/2/2013	5/14/2013	445.14	5/15/2013	Conference	New York, NY
	0AF813T51090000126	R-13-T-00135230	6/5/2013	6/6/2013	392.35	6/21/2013	Mission Operational	Victsburg, MS
	0AF813T51090000147	R-13-T-00152251	6/10/2013	6/10/2013	136.09	6/21/2013	Mission Operational	Washington D.C.
	0AF813T51090000149	R-13-T-00168897	6/24/2013	6/24/2013	810.41	7/31/2013	Conference	New York, NY
	0AF813T51090000150	R-13-T-00168898	6/24/2013	6/24/2013	723.51	7/31/2013	Conference	Marlborough, MA
	0AF813T51090000162	R-13-T-00168893	5/22/2013	5/22/2013	76.90	7/31/2013	Mission Operational	Oklahoma City
	0AF813T51090000183	R-13-T-00181183	7/17/2013	7/23/2013	2,110.33	8/18/2013	Speech	San Francisco
		R-14-T-00012501	7/17/2013	7/23/2013	186.93	11/26/2013	Speech	San Francisco
	0AF813T51090000110	R-13-T-00168898	8/18/2013	8/18/2013	1,105.29	8/28/2013	Speech	Monterey, CA
	0AF813T51090000177	R-13-T-00184562	9/10/2013	9/12/2013	688.17	10/17/2013	Speech	Monterey, CA/San Francisco
	0AF813T51090000181	R-13-T-00192408	9/13/2013	9/17/2013	1,587.59	9/27/2013	Speech	NY/Boston
	0AF813T51090000483	R-13-T-00191931	9/19/2013	9/20/2013	947.71	9/27/2013	Speech	Milwaukee, MN
	0AF813T51090000495	R-14-T-00011149	9/24/2013	9/26/2013	1,455.58	11/8/2013	Speech	Knobloch/Boston
	1ANUM1819	R-13-T-00021771	10/21/2013	10/22/2013	128.50	11/26/2013	Speech	Boston
		R-14-T-00021772	10/21/2013	10/22/2013	465.04	11/29/2013	Speech	Boston
	1ANUM14276	R-14-T-00021773	10/21/2013	10/31/2013	297.90	11/29/2013	Conference	Reno, NV
		R-14-T-00021774	10/21/2013	10/31/2013	992.82	11/29/2013	Conference	Reno, NV
	1ANUM14267	R-14-T-00021775	10/21/2013	11/8/2013	839.01	11/29/2013	Speech	Monterey, CA/San Francisco
		R-13-T-00021782	11/9/2013	11/9/2013	1,671.08	11/29/2013	Speech	Monterey, CA/San Francisco
	1ANUM14500	R-14-T-00028744	11/13/2013	12/3/2013	633.08	12/26/2013	Meeting	Boston
	1ANUM14503	R-14-T-00028755	12/3/2013	12/12/2013	1,007.93	12/26/2013	Meeting	Boston
		R-14-T-00028756	12/3/2013	12/12/2013	15.75	12/26/2013	Meeting	Boston
	1ANUM145830	R-14-T-00021624	11/18/2013	11/20/2013	243.00	11/28/2013	Meeting	New York, NY
		R-14-T-00021625	11/18/2013	11/20/2013	857.01	11/28/2013	Meeting	New York, NY
	1ANUM14723	R-14-T-00021180	12/12/2013	12/12/2013	514.68	12/23/2013	Meeting	Roson
		R-13-T-00021181	12/12/2013	12/12/2013	11.75	12/23/2013	Meeting	Boston
	0AF813T51090000196	R-13-T-00168892	6/17/2013	6/26/2013	51.76	7/6/2013	Meeting	Local
SMITH, ERIC T	ENM-2013-TG-4085	R-13-T-00072552	12/18/2012	1/7/2013	1,623.00	11/4/2013	Mission Operational	New York, NY
		R-13-T-00086292	1/8/2013	1/28/2013	21,717.67	7/5/2013	Mission Operational	New York, NY
		R-13-T-00167966	7/15/2013	7/17/2013	247.46	7/26/2013	Mission Operational	Oklahoma City
	ENM-2013-TG-4117	R-13-T-00167967	7/15/2013	7/17/2013	52.77	7/26/2013	Mission Operational	Oklahoma City
VELASQUEZ, ANDREW III		R-13-T-00085376	1/22/2013	1/24/2013	1,053.93	1/25/2013	Speech	Washington D.C.
	RSOR13T20850000048	R-13-T-00091700	2/12/2013	2/13/2013	594.17	2/22/2013	Speech	Minneapolis, MN
	RSOR13T20850000161	R-13-T-00108334	2/24/2013	2/28/2013	1,729.86	3/13/2013	Mission Operational	Washington D.C.
	RSOR13T20850000165	R-13-T-00111391	3/6/2013	3/7/2013	698.46	3/25/2013	Speech	Washington D.C.
	RSOR13T20850000171	R-13-T-00145621	5/28/2013	5/31/2013	1,598.17	6/11/2013	Mission Operational	Washington D.C.
	RSOR13T20850000777	R-13-T-00151793	6/26/2013	6/28/2013	513.91	7/8/2013	Mission Operational	Cleveland, OH
	RSOR13T20850000909	R-13-T-00190321	9/9/2013	9/13/2013	2,208.76	9/24/2013	Meeting	Anchorage, AK
	RSOR13T20850000111	R-13-T-00171466	7/28/2013	8/12/2013	1,195.19	8/12/2013	Mission Operational	Dallas
	RSOR13T208500001049	R-13-T-00171443	8/5/2013	8/6/2013	299.90	8/13/2013	Speech	Carmel, IN
		R-13-T-00190562	9/5/2013	9/6/2013	1,745.08	9/24/2013	Conference	Springfield, IL
	1ANUM1751	R-14-T-00021860	12/8/2013	12/11/2013	364.00	12/16/2013	Meeting	Atlanta
		R-14-T-00021861	12/8/2013	12/11/2013	740.90	12/26/2013	Meeting	Atlanta
	RSOR13T20850000725	R-13-T-00141579	5/17/2013	5/27/2013	17.76	5/30/2013	Meeting	Local
	RSOR13T20850000815	R-13-T-00156692	6/20/2013	6/20/2013	44.05	7/3/2013	Meeting	Local
	RSOR13T20850001023	R-13-T-00172218	6/10/2013	6/13/2013	266.76	8/13/2013	Mission Operational	Local
	RSOR13T20850001037	R-13-T-00172912	7/1/2013	7/27/2013	12.25	8/14/2013	Meeting	Local
	1ANUM11658	R-14-T-00021860	11/4/2013	11/4/2013	54.24	12/17/2013	Meeting	Local
WARD, MAMCY	ENM-2013-TG-0011	R-13-T-00021183	3/25/2013	3/26/2013	174.75	4/9/2013	Special Mission	Los Angeles
		R-13-T-00021183	3/25/2013	3/26/2013	563.67	4/9/2013	Special Mission	Los Angeles
	ENM-2013-TG-4104	R-13-T-00031316	3/11/2013	3/15/2013	211.25	3/27/2013	Site Visit	Gallup, NM/Albuquerque
		R-13-T-00031317	3/11/2013	3/15/2013	688.90	3/27/2013	Site Visit	Gallup, NM/Albuquerque
	RG9013T34710000186	R-13-T-00109169	2/24/2013	3/1/2013	2,385.66	3/14/2013	Meeting	EMU/Washington D.C.
	RG9013T34710000418	R-13-T-00155105	6/4/2013	6/6/2013	1,172.52	7/1/2013	Conference	San Antonio/San Diego
	RG9013T34710000425	R-13-T-00129481	4/7/2013	4/12/2013	1,409.96	4/26/2013	Training	EMU/Washington D.C.
	RG9013T34710000648	R-13-T-00151888	5/28/2013	5/31/2013	2,032.46	6/21/2013	Meeting	Washington D.C.
	RG9013T34710000753	R-13-T-00164277	8/6/2013	8/7/2013	798.17	8/19/2013	Conference	Tempe, AZ
	RG9013T34710000754	R-14-T-00066723	9/25/2013	9/4/2013	1,068.11	10/23/2013	Conference	Phoenix
	RG9013T34710000854	R-13-T-00160101	7/15/2013	7/28/2013	2,903.52	7/27/2013	Meeting	Honolulu
	RG9013T34710000956	R-13-T-00171820	7/29/2013	8/1/2013	1,584.70	8/6/2013	Meeting	Dallas
	RG9013T347100001339	R-13-T-00184585	8/19/2013	8/20/2013	542.51	9/9/2013	Meeting	Altafuerca, CA
	RG9013T347100001149	R-13-T-00195105	9/10/2013	9/13/2013	1,878.18	10/17/2013	Meeting	Washington D.C.
	RG9013T347100001399	R-14-T-00065272	9/16/2013	9/19/2013	597.73	10/18/2013	Conference	Virginia City, NV
	RG9013T347100001415	R-14-T-00065559	9/27/2013	9/24/2013	1,607.65	10/18/2013	Meeting	Chicago
	1ANUM1879	R-14-T-00021916	12/8/2013	12/12/2013	890.26	12/27/2013	Meeting	Atlanta
		R-14-T-00021917	12/8/2013	12/12/2013	1,345.54	12/27/2013	Meeting	Atlanta
	RG9013T34710000520	R-13-T-00189556	1/21/2014	2/12/2014	90.56	3/1/2014	Conference	Local
	RG9013T34710000616	R-13-T-00171742	2/12/2013	8/12/2013	28.76	4/12/2013	Meeting	Local
	RG9013T34710000643	R-13-T-00139302	4/17/2013	4/17/2013	21.76	5/24/2013	Meeting	Local
	RG9013T347100001408	R-13-T-00189575	8/6/2013	8/26/2013	16.30	9/19/2013	Mission Operational	Local

	R69013L34710001432	R-13-T-00190953	8/25/2013	8/29/2013	15.76	9/24/2013	Meeting	Local
	IANHAMP28	R-14-T-00029385	11/20/2013	11/20/2013	87.26	12/27/2013	Meeting	Local
WATSON, DANIEL	EMW-2013-TG-4085	R-13-T-00184064	1/22/2013	1/20/2013	891.25	3/7/2013	Mission Operational	New York, NY
		R-13-T-00104065	1/22/2013	1/30/2013	2,283.06	3/7/2013	Mission Operational	New York, NY
	EMW-2013-TT-PA001	R-14-T-00028637	11/6/2013	11/19/2013	1,233.46	1/29/2014	Conference	San Francisco
	QEAH13T42930000114	R-13-T-00151384	5/10/2013	5/11/2013	991.24	6/21/2013	Mission Operational	Miami
	DEAX13T42930000354	R-13-T-00167338	7/17/2013	7/13/2013	460.65	7/26/2013	Special Mission	Orlando
ZIMMERMAN, ELIZABETH A	DEAX13T42930000409	R-13-T-00190731	8/7/2013	8/9/2013	1,166.47	9/04/2013	Mission Operational	New Orleans
	DEAX13T42930000440	R-13-T-00190729	8/20/2013	8/23/2013	730.47	9/24/2013	Mission Operational	Gulfport, MS
	EMW-2013-TG-4086	R-13-T-00129544	2/28/2013	3/12/2013	151.00	4/26/2013	Mission Operational	Newark, NJ
		R-13-T-00129602	2/28/2013	3/2/2013	140.00	4/26/2013	Mission Operational	Newark, NJ
		R-13-T-00129603	2/28/2013	3/2/2013	436.66	4/26/2013	Mission Operational	Newark, NJ
	EM1-2013-TG-4117	R-13-T-00187572	5/21/2013	5/23/2013	165.00	7/8/2013	Mission Operational	Oklahoma City
		R-13-T-00187573	5/21/2013	5/23/2013	184.50	7/8/2013	Mission Operational	Oklahoma City
	RECA13T369600000615	R-13-T-00120857	3/25/2013	2/26/2011	172.40	3/3/2013	Conference	EMS
	RECA13T369600000735	R-13-T-00116601	3/7/2013	3/10/2011	864.67	3/28/2013	Special Mission	Denver
	RECA13T36960001033	R-13-T-00153180	5/20/2013	5/21/2013	1,026.80	6/24/2013	Mission Operational	Denton/Oklahoma City
	RECA13T36960001088	R-13-T-00153936	6/11/2013	6/12/2013	95.91	6/21/2013	Training	FME
	RECA13T369600021109	R-13-T-00116239	4/1/2013	6/6/2013	1,191.64	7/3/2013	Mission Operational	San Jose, CA
	RECO13T36960001430	R-14-T-00006477	9/6/2013	9/13/2013	4,720.26	10/21/2013	Conference	Anchorage
	RECO13T36960001525	R-13-T-00127247	7/29/2013	8/1/2013	1,151.05	8/20/2013	Mission Operational	Irving, TX
	RECO13T36960001534	R-13-T-00175058	8/5/2013	8/9/2013	743.83	8/16/2013	Mission Operational	Kansas City
	RECO13T36960001582	R-14-T-00006480	8/21/2013	9/28/2013	3,367.37	10/23/2013	Speech	Monterey, CA/Denver
	TANUM010127	R-14-T-00024735	12/9/2013	12/13/2013	162.00	1/15/2014	Conference	Atlanta
		R-14-T-00024736	12/9/2013	12/13/2013	833.75	1/15/2014	Conference	Atlanta
	TANUM6740	R-14-T-00026687	11/29/2013	11/29/2013	110.83	1/30/2014	Speech	Denver
		R-14-T-00026688	11/29/2013	11/29/2013	779.07	1/30/2014	Speech	Denver
	RECA13L36960000628	R-13-T-00124310	3/20/2013	3/20/2013	29.76	4/15/2013	Meeting	Local

**Unobligated Balances**

**Question:** Please provide unobligated balances within FEMA, by appropriation account, and when you anticipate that they will be expended.

**ANSWER:**

**OBLIGATION REMAINING BALANCES AS OF MARCH 31, 2014**

<b>APPROPRIATION</b>	<b>Unobligated Balances</b>	<b>Date of Obligation</b>
<i>Flood Hazard Mapping and Risk Analysis 70-X-0500</i>	92,947,961	by 9/30/2014
<i>State and Local Programs - 70-14-0560</i>	1,456,037,791	by 9/30/2014
<i>U.S. Fire Administration and Training 70-14-0564</i>	22,224,522	by 9/30/2014
<i>Salaries and Expenses 70-14-0700</i>	566,624,668	by 9/30/2014
<i>Salaries and Expenses 70-14/15-0700</i>	33,000,000	by 9/30/2015
<i>Firefighter Assistance Grants 70-14/15-0561</i>	680,000,000	by 9/30/2015
<i>Disaster Relief Fund 70-X-0702</i>	12,274,875,504	Will be spent on disasters
<i>Disaster Relief Fund THU Sales 70-14/15-0702</i>	7,000,000	by 9/30/2015
<i>Disaster Relief Fund THU Sales 70-13/14-0702</i>	5,370,834	by 9/30/2014
<i>Emergency Food and Shelter 70-X-0707</i>	120,006,014	by 9/30/2014
<i>National Predisaster Mitigation Fund 70-X-0716</i>	166,825,418	by 9/30/2014
<i>Emergency Mgmt. Performance Grants 70-14-0718</i>	350,000,000	by 9/30/2014
<i>Direct Loan Assistance 70-X-4234</i>	39,702,148	Will be spent on disasters
<i>National Flood Insurance Fund 70-X-4236</i>	8,791,384,775	by 9/30/2014
<i>Radiological Emergency Preparedness 70-X-0715</i>	13,309,077	by 9/30/2014
<i>Radiological Emergency Preparedness 70-13/15-0715</i>	27,134,909	by 9/30/2014
<i>Disaster Assistance Program - 70-X-0703 (PL 113-2)</i>	307,105,933	Will be spent on disasters
<i>Administrative and Regional Operations 70-X-0712</i>	788,934	by 9/30/2014
<b><u>Accounts with Prior Year Available Balances</u></b>		
<i>Office of Domestic Preparedness 70-X-0511</i>	-	N/A
<i>State and Local Programs: 70-13/14-0560</i>	4,619,706	by 9/30/2014
<i>Assistance to Firefighters Grant: 70 13/14 0561</i>	364,089,412	by 9/30/2014
<i>Salaries &amp; Expenses: 70 13/14 0700</i>	1,554,466	by 9/30/2014
<i>State and Local Programs: 70-X-0560</i>	15,486,417	by 9/30/2014
<i>Operating Expenses 70-X-0700</i>	3,383,156	by 9/30/2015
<b>TOTAL, FEMA</b>	<b>25,343,471,645</b>	

## QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE DAVID PRICE****Craig Fugate, Administrator, Federal Emergency Management Agency**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 Federal Emergency Management Agency Budget Request

March 26, 2014

**National Preparedness Grant Program**

**Question:** The proposed National Preparedness Grants Program (NPGP) would broaden the definition of a unit of local government for purposes of the program. Given concerns that even a limited change in the definition could eventually impact the use of the term for other federal programs, has FEMA considered other ways of defining the entities eligible for sub-grants through the states that would avoid such a change?

**ANSWER:** The National Preparedness Grant Program would consolidate several grant programs, including the Transit Security Grant Program and the Port Security Grant Program, eliminating direct funding for port areas and transit agencies. The expanded definition of “local unit of government” combines all of the current eligible applicants from the various preparedness programs into one overarching local eligibility and ensures that those agencies are eligible for the local pass-through. However, FEMA will continue to identify and allocate National Preparedness Grant Program funding specifically to Urban Areas through a national level risk assessment.

The new “local unit of government” definition is meant to be more inclusive of areas that may have increased risks and capability gaps, and are therefore in need of homeland security resources. As part of the National Preparedness Grant Program application process, all stakeholders need to work together to make smarter investment decisions, develop deployable capabilities, and share resources through an Emergency Management Assistance Compact or other mutual aid/assistance agreements.

**Question:** Under the current State Homeland Security Grant Program (SHSGP), 80 percent of the funding must be used for local governments, either by states passing on funding directly to local governments or by states using funding for the benefit and with the consent of local governments; the proposed NPGP would preserve this 80 percent requirement. Some local governments have indicated, however, that they have had insufficient opportunity to provide input on or consent to the use of SHSGP funds. How would the NPGP address these local government concerns?

**ANSWER:** As part of the FY 2015 National Preparedness Grant Program proposal, FEMA transmitted to Congress a legislative proposal to authorize the new consolidated approach. The legislative proposal retains the requirement for grantees to allocate at least 80 percent of the total amount of grant funding to “local units of government”, which ensures that resources are distributed to the front-line first responders.

While FEMA cannot prescribe the makeup of any statewide governance structure, the agency has issued guidelines on how states should engage with their various partners to carry out their Threat and Hazard Identification and Risk Assessments and investment justifications. To ensure that states are adequately engaging with local governments, rural communities, port and transit agencies, urban areas, non-profit organizations, and other “whole of community” partners, FEMA will require that the State Administrative Agency submit:

- A detailed description of the Senior Advisory Committee’s composition and an explanation of key governance processes, including how the Senior Advisory Committee is informed by the state or territory’s Threat and Hazard Identification and Risk Assessment, State Preparedness Report data reflecting capability shortfalls and the approach to address shortfalls in core capabilities;
- A description of the frequency with which the Senior Advisory Committee will meet;
- How existing governance bodies such as Urban Area Working Groups and Transit Security Working Groups will be leveraged by the Senior Advisory Committee;
- A detailed description of how decisions on programmatic priorities are made and how those decisions will be documented and shared with its members and other stakeholders as appropriate; and
- A description of defined roles and responsibilities for financial decision making and meeting administrative requirements.

**Question:** The proposed legislative language for the NPGP eliminates the phrase “prepare for” from the list of activities for which funding may be used (p. 42). Does this mean that preparedness activities are no longer eligible under the proposed NPGP?

**ANSWER:** During the past several grant years, FEMA has required that state and local governments use their awards to build or sustain the core capabilities identified in the five mission areas described in the National Preparedness Goal: Prevent, Protect, Mitigate, Respond, and Recover. Several core capabilities, such as planning and public communications, cut across all five of those mission areas. Preparedness is not called out as a separate mission area because building and sustaining the core capabilities is, by definition, engaging in preparedness activity.

### **National Flood Insurance Program**

**Question:** In moving policy holders toward actuarial rates, the Homeowner Flood Insurance Affordability Act Grimm-Waters requires differing premium increase rates for different categories of policy holders. How is FEMA working to ensure that consumers know which rate applies to them? By when does FEMA anticipate these new rates will be implemented?

**ANSWER:** Prior to issuing guidance for new rates, the law requires FEMA to consult with its private sector Write Your Own (WYO) insurance company partners. To date, FEMA has held eight conference calls and met in person with senior company representatives. FEMA relies on the WYOs to sell and service flood insurance policies direct to consumers. The National Flood Insurance Program provides the WYO and their agents with regular guidance to ensure they are able to provide consumers with accurately rated policies.

In an effort to quickly stop rate increases implemented as a result of the Biggert-Waters Flood Insurance Reform Act, FEMA now requires the use of the October 1, 2013 Pre-Flood Insurance Rate Map subsidized rates when more favorable for new applications of flood insurance and renewals for properties covered by Section 3 of the new Act.

The use of the October 2013 rate tables is an interim step while FEMA develops new rate tables and guidance to process and issue refunds for certain policyholders who were charged full-risk premiums under Biggert-Waters and are now eligible for pre-Flood Insurance Rate Map subsidies.

FEMA is making every effort to provide guidance sooner and will coordinate with Congress as further guidance is made available for release. FEMA estimates all new rates will be released this fall, for implementation six months after the release as required by the new law.

### **Hurricane Sandy**

**Question:** What is the status of implementing the corrective actions undertaken by FEMA in response to the July 2013 Sandy After Action Report?

**ANSWER:** FEMA has made substantial progress in implementing the corrective actions for the Areas for Improvement identified in the July 2013 Hurricane Sandy After-Action Report with over 60 percent now completed and the remainder due for completion in the coming months. Some examples of major accomplishments across the four themes of the report are included below.

#### **Theme 1 Accomplishments: Ensuring Unity of Effort Across the Federal Response**

- FEMA's National Exercise Division developed and completed a Principal Level Exercise for Cabinet officials on June 24, 2013. This exercise provided an opportunity for Cabinet members to review their roles, responsibilities, and authorities under the National Response Framework and the National Disaster Recovery Framework in preparation for the 2013 Hurricane Season. The exercise covered issues identified during previous incidents including the 2012 Hurricane Season and, in particular, Hurricane Sandy.
- In February 2013, FEMA signed a new Lessons Learned and Continuous Improvement Policy directive that established a Continuous Improvement Working Group, chaired by senior FEMA leadership, to unify and streamline corrective action tracking. To date, this working group convened five times and has been instrumental in tracking and documenting the completion of the corrective actions identified in the report. This

working group also accepted recommended improvement actions following other real-world events and exercises and is tracking their implementation progress.

#### Theme 2 Accomplishments: Being Survivor Centric

- FEMA designed the Disaster Survivor Assistance Teams (DSATs) to limit the burden placed on survivors by registering people for FEMA programs directly in their homes and providing them with critical information about services available in their community. Since Hurricane Sandy, FEMA has deployed DSATs to disasters in Texas, Oklahoma, Illinois, Colorado, and Alaska.
- Experiences in Hurricane Sandy demonstrated that many staff and leadership were uncertain of the roles and capabilities of FEMA's Disability Integration Advisors (DIAs). FEMA has now established a cadre of DIAs, including integration with the Incident Management Assistance Teams, to ensure federal leaders consider and address the community's access and functional needs across all programs. It has also launched a new Independent Study course on "Including People with Disabilities and Others with Access and Functional Needs in Disaster Operations."

#### Theme 3 Accomplishments: Fostering Unity of Effort Across the Whole Community

- FEMA established the Tribal Integration Group, which ensures that the Agency meets requirements to regularly consult with and consider tribal governments in program and policy development. FEMA also published the draft Tribal Consultation Policy on October 25, 2013, providing guidance on how FEMA programs determine whether consultation is needed and how to conduct tribal consultation. FEMA is currently assessing training and resource needs for disaster tribal liaisons and Regional Tribal Liaisons to further build tribal liaison capabilities and reviewing the qualification requirements for the disaster and non-disaster tribal workforce to strengthen that workforce in the future.
- During disaster response, FEMA historically coordinated primarily with states, which had in turn supported coordination with localities and tribes. FEMA updated its Incident Management Handbook and trains Federal Coordinating Officers to emphasize the potential for "Big City" officials to be included in Unified Coordination Groups – the primary construct for coordinating state and Federal activities at the Joint Field Office – in order to more rapidly address requirements in coordination with the state. FEMA successfully employed this modified approach in Boston following the Boston Marathon Bombing.

#### Theme 4 Accomplishments: Developing an Agile, Professional Emergency Management Workforce

- To ensure a stable and efficient workforce and to determine workforce staffing requirements FEMA implemented an Agency-wide Force Structure. All National Response Coordination Center and Regional Response Coordination Center personnel have been assigned disaster-specific titles based on FEMA Force Structure requirements. To date, more than 9,367 FEMA employees have been assigned a FEMA Qualification



System status in either an Incident Management or an Incident Support disaster specific position.

**Question:** What is the status of FEMA's efforts to implement the provisions of the Sandy Recovery Improvement Act, and what is the anticipated timeline for fully implementing the law?

**ANSWER:** On January 29, 2013, President Barack Obama signed into law the Sandy Recovery Improvement Act (SRIA) of 2013 and the accompanying Disaster Relief Appropriations Act, 2013. In many ways, the passage of SRIA represents the most significant legislative change to the Federal Emergency Management Agency's (FEMA) substantive authorities since the enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and the Post-Katrina Emergency Management Reform Act .

SRIA authorizes several significant changes to the way FEMA may deliver federal disaster assistance to survivors. To date, 14 of 17 provisions outlined in this legislation have been completed, implemented as pilot programs, or made otherwise available for immediate use. FEMA is continuing to implement the SRIA provisions to enhance the delivery of programs and options available to disaster survivors. Of particular note are the following provisions. Additional detail is available on all SRIA provisions is available here: <http://www.fema.gov/about-agency/sandy-recovery-improvement-act-2013>

- Public Assistance Alternative Procedures for Permanent Work: pilot program implemented in May 2013 which provides applicants the option to receive grants based on fixed estimates, consolidate projects into a single sub-grant, use excess grant funds on other eligible activities, provide certified cost estimates, and have estimates over \$5 million validated by an independent expert panel
- Public Assistance Alternative Procedures for Debris Removal: first implemented following Oklahoma tornadoes in May 2013, with the nationwide pilot starting in June 2013; provides a sliding scale federal cost share based on the time it takes to complete debris removal, provides a one-time cost share incentive for approved debris management plans, allows for reimbursement of base and overtime wages for applicants performing or administering debris removal, and allows applicants to use program income from recycled debris
- Adjustment of Simplified Procedures Small Project Thresholds: report on recommended thresholds submitted to Congress in January 2014, with new thresholds in effect for disasters declared on or after February 26, 2014. FEMA will seek comment on the report to inform future required revisions to the thresholds
- Dispute Resolution Pilot Program: implemented in August 2013 for all disasters declared on or after October 30, 2012; provides the option for Public Assistance applicants to request binding arbitration after first appeal for certain projects with an amount in dispute of over \$1 million; SRIA authorizes the pilot through December 2015

- **Tribal Disaster Declarations:** allows Federally-recognized Indian tribal governments the option to make their own request for a Presidential emergency or major disaster declaration independently of a state or to seek assistance under a declaration for a state; as of March 2014, tribes have requested 8 declarations; 6 have been approved; FEMA conducted tribal consultation and public comment in Spring 2013 and will do so again as we prepare to implement more specific Tribal Declaration Pilot Guidance
- **Child Care Assistance:** allows disaster survivors to apply for assistance with disaster-related child care expenses under the Other Needs Assistance (ONA) provision of FEMA's Individuals and Households Program (IHP). Recovery Policy 9461.1, Disaster Assistance for Child Care was issued January 2014 and provides eligibility criteria and parameters for awarding financial assistance to eligible applicants for their disaster-related child care needs.
- **Unified Federal Review:** A Steering Group, led by FEMA/Department of Homeland Security, the Council of Environmental Quality, and the Advisory Council on Historic Preservation have been developing a Unified Federal Review process, which will expedite and unify interagency review procedures established to ensure compliance with environmental and historic preservation requirements under federal law for disaster recovery projects. To complete this task, an inter-agency working group was established to develop efficiencies, tools and guidance to ensure that environmental and historic preservation reviews for disaster recovery are completed in the most expeditious and unified manner. The process will be completed within the legislative 18-month deadline.

In addition to the above provisions that have been implemented, or are being implemented on a pilot basis, FEMA is working to implement some SRIA provisions, like the Individual Assistance Declarations Factors, through the Federal rulemaking process. FEMA is committed to keeping our Congressional partners informed as we move through the regulatory process on the Individual Assistance Declarations Factors provision.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE JACK KINGSTON**

**Craig Fugate, Administrator, Federal Emergency Management  
Agency**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 Federal Emergency Management Agency Budget Request

March 26, 2014

**National Flood Insurance Program Affordability Study**

**Question:** While there are many poorly managed issues with FEMA's implementation of the Biggert-Waters Flood Insurance Reform Act of 2012, one of the most glaring is the agency's failure to complete the Affordability Study mandated by law.

By not completing this study, which Congress gave FEMA \$750,000 to complete, FEMA has denied Congress and the public essential information on the impact of NFIP changes due to BW12. Without the Affordability Study's information, Congress and the public have lacked the data to evaluate BW12's impact or adequately evaluate alternatives. FEMA is the only entity that keeps this data and has not only ignored the law but has severely impacted the lives and long term plans regarding mortgages and financial planning of thousands of American families.

Why didn't FEMA prioritize completion of the Affordability Study required by the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12)?

Additionally, PL 113-89 allocates \$2.5 million for an Affordability Study and the formation of a framework in which to use the study's findings bringing total funding for this study to \$3.25 million. Will FEMA meet the 18 month deadline as required by the law? How and when will FEMA release the study and the framework to the public?

**ANSWER:** FEMA has been working with the National Academy of Sciences (NAS) on the required BW 12 affordability study. However, the NAS indicated additional time and funds were required to complete the study. To address this issue, Congress included a provision in the recently passed Homeowners' Flood Insurance Affordability Act of 2014 that increased the funds authorized to complete the Affordability Study to \$2.5 million and delays the deadline for completion until 18 months after the date of enactment of the new Act. We will continue to work with the NAS to complete the required study in a timely manner.

FEMA anticipates completion of the Affordability Study in 2015. As required by the Homeowner Flood Insurance Affordability Act of 2014, FEMA intends to then provide Congress with the Affordability Framework within 18 months of the completion of the Study. As each

reach completion, we look forward to working with internal and external stakeholders, including Congress, to properly share the information gathered through these efforts with the public.

### **National Flood Insurance Program Retroactive Reimbursement**

**Question:** PL 113-89 retroactively reimburses those who have paid a higher rate under BW-12. What is the current status or timetable to reimburse individuals who paid BW-12 rates?

**ANSWER:** In an effort to quickly stop rate increases implemented as a result of the Biggert-Waters Flood Insurance Reform Act, FEMA now requires the use of the October 1, 2013 Pre-Flood Insurance Rate Map subsidized rates when more favorable for new applications of flood insurance and renewals for properties covered by Section 3 of the new Act.

The use of the October 2013 rate tables is an interim step while FEMA develops new rate tables and guidance to process and issue refunds for certain policyholders who were charged full-risk premiums under Biggert-Waters and are now eligible for pre-Flood Insurance Rate Map subsidies.

FEMA is working with the Write Your Own companies to develop guidance, as required in the consultation process provisions in the new law, and anticipates the release of guidance to companies this summer. Refunds could begin soon after.

### **National Flood Insurance Program Inconsistent Public Disclosure**

**Question:** BW-12 mandated that homes purchased or policies renewed after enactment lose their subsidy. However, FEMA waited until March 2013 to stop quoting solely subsidized rates as part of official procedure. Therefore, if you bought a home or renewed your policy between July 2012 and March 2013 you were given the incorrect rate.

To add to the confusion, FEMA directed insurance agents to provide both the subsidized and unsubsidized rates from March 2013 to October 1, 2013. Therefore, if you bought a home or renewed your policy between March 2013 and October 2013 you were given two rates and not explicitly told when the higher rate would go into effect.

**Question:** Why did FEMA not mandate the disclosure of the correct NFIP coverage cost beginning in July 2012? Why did the March 2013 directive not mandate adequate notification of the implementation date of the higher rate?

**ANSWER:** The National Flood Insurance Program Extension Act, which was enacted on May 31, 2012, mandated that FEMA increase premiums by a 25-percent annual average for subsidized non-primary residences, which later became part of the Biggert-Waters Act of 2012 (BW-12). The guidance for implementation of this provision of law was released on June 29, 2012. After the July 6, 2012, enactment of BW-12, FEMA provided implementation requirements for Section 100241 on July 10, 2012; and Section 100227(b) on October 19,

2012. These two sections, respectively, waive the normal 30-day waiting period for coverage for new policies for flooding from federal lands following a wildfire, and established an alternative effective date for Standard Flood Insurance Policies (SFIPs) that were purchased during the period beginning on May 1, 2011, and ending on June 6, 2011, and that were impacted by the Flood in Progress exclusion found in the SFIP. During this period, FEMA also began to develop the rating procedures for buildings no longer eligible for subsidized rates under Section 100205 (g) of BW-12, while also implementing routine annual rate adjustments effective October 1, 2012, for those policyholders not directly impacted by BW-12. Super-Storm Sandy struck the East Coast on October 29, 2012, and considerable FEMA resources were deployed to storm-struck areas in response and recovery efforts. Upon return from deployment, FEMA personnel developed rate tables and procedures for the Write Your Own (WYO) insurers published in Bulletin W-13016 on March 29, 2013. The Bulletin provided insurers six months to implement the changes. FEMA staff began communicating changes widely to WYO insurance companies, internal and external stakeholders, Congress and others in March 2013 – six months before the rate changes became official in October 2013. Throughout the spring, summer, and fall of 2013, FEMA, WYO insurers, agents, realtors, floodplain managers and others, met with hundreds of thousands of impacted current and future policyholders through a wide net of outreach activities nationwide to explain the changes. WYO company agents received in-person or webinar training on BW-12 changes and, to date, more than 20,000 agents and lenders have received training. FEMA developed a flood insurance reform website with explanatory videos which, at one time, was hosting more than 40,000 unique visitors each week. A direct-to-policyholder campaign would have had limited benefit given the limited number of policyholders impacted initially and the graduated timeline when rate changes could affect them. WYO agents were given clear instructions on when rate changes would occur and which would occur retroactively. They also had their WYO companies as well as FEMA resources to rely on as underwriting resources during this time.

Six months is the typical timeline for FEMA to introduce rate and procedure changes to the NFIP through the Write Your Own (WYO) insurers. Because Section 100205 (g) mandated full-risk rating of buildings newly insured or newly purchased on or after July 6, 2013, there was an urgency to cease issuing new business policies with subsidized rates that the law would require to be re-rated at a later renewal with full-risk rates. The earliest renewal date that FEMA could target, while allowing the WYO insurers adequate time to implement the new procedures, was six months after the March 29, 2013 Bulletin, which was October 1, 2013.

### **National Flood Insurance Program Mapping Process**

**Question:** The mapping process is how FEMA decides rate tables and who gets placed in what risk zone. The mapping process is opaque to say the least.

Why does FEMA not include historical storm data in its mapping model? While I am aware that NFIP is a partnership between municipalities, states, and the federal government and that all three are involved in some way. How FEMA does arrive at its conclusions? What steps are taken during this process?

The National Oceanic and Atmospheric Administration (NOAA), along with numerous University partners, is working to utilize advanced technology, enhanced data collection, and some of the most respected experts in coastal zone management to better understand and predict many coastal problems, including flooding. Is FEMA working closely with NOAA and other appropriate experts as it updates flood maps for NFIP?

**ANSWER:** FEMA uses statistical probabilities of historic storms as part of the updated engineering analyses. The flood hazard data depicted on the Flood Insurance Rate Map reflects the 1-percent-annual-chance flood event, and historical storms may be of lesser or greater magnitude, which may not correlate to this specific statistical event. Observed high water marks from historical storms are leveraged to calibrate FEMA's engineering analyses to known events and assist in the development of the FEMA's modeling data.

Through its Flood Hazard Mapping Program, FEMA identifies flood hazards, assesses flood risks, and partners with States and communities to provide accurate flood hazard and risk data to guide them to mitigation actions. Flood Hazard Mapping is an important part of the National Flood Insurance Program (NFIP), as it is the basis of the NFIP regulations and flood insurance requirements. FEMA maintains and updates data through Flood Insurance Rate Maps (FIRMs) and risk assessments. FIRMs include statistical information such as data for river flow, storm tides, hydrologic/hydraulic analyses, and rainfall and topographic surveys. FEMA uses the best available technical data to create the flood hazard maps that outline a community's different flood risk areas. Throughout the mapping process, FEMA engages communities and local officials to collect readily available data that can influence the depiction of the floodplain. Typically, this data collection is conducted during a Discovery meeting that allows interested stakeholders at the local level to understand the benefits of mitigation, areas of mitigation interest, and the development of products that may assist with mitigation planning, including the regulatory FIRMs. After the preliminary FIRMs are generated and provided to the local community, the community will be given opportunities to review, comment, and appeal the proposed changes in the flood hazard information. Once resolution of all issues has been achieved, the FIRMs are finalized and adopted by the local community.

Under the Risk MAP program, the overall process to update a flood map can take 3-5 years. FEMA has developed an infographic on our website that helps homeowners and communities better understand the process that takes place when developing or updating a regulatory flood map. The link to the infographic is listed below:

<<http://www.fema.gov/blog/2014-02-21/what-goes-flood-map-infographic>>

FEMA relies heavily on NOAA's technology, data, and expertise during the development of updated flood maps in coastal areas. For example, FEMA regularly utilizes the data collected and disseminated by NOAA's Center for Operational Oceanographic Products and Services for measured water levels, wave heights, and atmospheric data. NOAA's Digital Coast website is a valuable resource for FEMA for topographic and other data and NOAA's VDATUM tool is commonly used by FEMA to convert topographic datasets used in flood mapping to a consistent datum. In addition, FEMA regularly coordinates with NOAA to ensure that NOAA has access to the data that FEMA has collected and developed in the process of updating coastal flood maps.

**MICHAEL P. MELANIPHY  
PRESIDENT & CEO  
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION (APTA)  
SUBMITTED TO  
THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY  
On Rail and Transit Security Grants, the FEMA State and Local Preparedness Grant  
Program, and TSA Surface Transportation Security, within the Fiscal Year (FY) 2015  
Appropriations for the Department of Homeland Security  
April 10, 2014**

**INTRODUCTION**

Mr. Chairman and members of the Subcommittee, thank you for this opportunity to submit written testimony on the Fiscal Year (FY) 2015 funding needs for public transportation security programs within the Department of Homeland Security. APTA and its industry partners have urged Congress to significantly increase appropriations for transportation security programs within the Federal Emergency Management Agency (FEMA) for the last several federal budget cycles. Past appropriations have not come close to the levels authorized under the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53). Additionally, in recent years, support from the Transportation Security Administration (TSA) has allowed critical work to go forward in the development of transit security and preparedness standards and national transportation security information sharing and analysis.

**ABOUT APTA**

The American Public Transportation Association (APTA) is a nonprofit, international association of nearly 1,500 public and private member organizations, including transit systems and commuter, intercity and high-speed rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical public transportation services and products. More than ninety percent of the people using public transportation in the United States and Canada are served by APTA member systems. Additionally, in accordance with the National Infrastructure Protection Plan, APTA has been tasked by Department of Homeland Security to administer the on-going activities of the Mass Transit Sector Coordinating Council (SCC).

**Continued Risks to Our Nation's Transit Systems**

In the many years since 9/11, several authoritative sources studying terrorism have continued to acknowledge that the risk to public transportation systems for a terrorist attack is real and has not diminished. Such sources include the federally-funded and chartered Mineta Transportation Institute (MTI) and the U.S. Government Accountability Office (GAO). Other government agencies have also reported on or testified to Congress that public transportation in America remains vulnerable to terrorist attack, al-Qaeda remains interested in targeting the transit sector, and that more needs to be done to prevent and prepare for a potential terrorist attack. While we have been very fortunate to date in not having a direct terrorist attack carried out in our transit

systems, several attacks have been foiled and conspiring terrorists who intended to attack some of our largest systems in New York City, Washington, DC, and New Jersey were arrested.

### **Greater Investments in Transit Security are Required**

In 2013 Americans took 10.7 billion trips on public transportation, which is the highest annual public transit ridership number in 57 years. As ridership continues to grow, public transportation security risk exposure and needs also increase, however, we have seen an overall trend of less federal investment in transit security over the past several years. In FY 2008 the Transit Security Grant Program (TSGP) made nearly \$389 million dollars available for transit systems. In FY 2014, \$90 million was made available – a 77% decrease in funding. With transit ridership and security risks growing, we remain concerned with this underinvestment in the security of our nation’s transit systems.

We are well aware of the many pressures on our nation’s budget and the importance of addressing other national funding priorities; however, the current level of transit security funding is woefully inadequate as the Transit Security Grant Program is the primary source of funding for security needs of public transportation agencies. To put the current level of investment in transit security into greater perspective, we note that a 2010 APTA survey of its members found security investment needs in excess of \$6.4 billion nationwide. APTA urges Congress to acknowledge the risk that our citizens and transit systems continue to face, and restore appropriations for the Transit Security Grant Program in this and subsequent appropriation bills to levels closer to those authorized under the 9/11 Commission Act.

### **Opposition to the Proposed FY2015 National Preparedness Grant Program**

The Department of Homeland Security (DHS) has once again proposed the creation of the “National Preparedness Grant Program (NPGP)” in its FY 2015 budget proposal. The program would consolidate several existing DHS grant programs, including the Transit Security Grant Program (TSGP), into the single NPGP. Congress rejected similar proposals in FY 2012, 2013, and 2014. The transit industry also opposes the proposed structure of the NPGP as it calls for:

- Elimination of the Transit Security Grant Program – The industry supports a sufficiently-funded, segregated and dedicated grant program for public transportation security as envisioned in the 9/11 Commission Act;
- Prohibition of transit agencies to apply for DHS funding – The industry opposes any mandate(s) that prohibit transit agencies from directly applying to and directly receiving funding from DHS; and
- 24-month Grant Performance period – Both grantees and the DHS have made significant strides to shorten proposal review, drawdown, and grant close-out procedures in recent years. These improvements should be commended as they will enhance the TSGP, however, the DHS erroneously suggests that these improvements justify a 24-month grant performance period. The strengthening of critical transit infrastructure, including physical security enhancements, often requires an excess of 24-months to properly plan, procure, and build. The industry opposes any grant performance period of less than the current 3-5 year allowable expenditure period (an initial 3-year window with eligibility for two 1-year extensions).



Lastly, APTA concurs with the intent of the 9/11 Commission Act, calling for a transit security program that aims to primarily address capital needs, however, we recognize that operational needs should continue to be eligible for a limited portion of transit security funding.

### **Transportation Security Administration (TSA) Surface Transportation Security**

APTA and the public transportation industry have developed a strong and beneficial working relationship with the TSA in recent years in particular in the area of information and intelligence sharing and analysis, cybersecurity, and security standards development. As such, APTA strongly supports the Administration's request for the TSA's Surface Transportation Security program, including its support for security standards development and the Information Sharing and Analysis Centers (ISACs).

#### *Transit Security Standards Development*

Similar to other government, public, and corporate entities, public transportation agencies, prioritize the safety and security of their patrons; vehicles and property; sensitive administrative data; planning documents and information; and critical IT infrastructure and operations systems against numerous threats. APTA initially partnered with the Federal Transit Administration (FTA), and most recently the Transportation Security Administration (TSA) and the business community to advance the APTA Security Standards Program which has served as a tremendous resource to the industry.

The Security Standards program allows for capturing lessons learned and industry best practices of transit systems that have implemented successful strategies. The program has invested in necessary security "patches" for transit systems. The program also allows DHS/TSA to vet security ideas with the industry rather than forcing untested mandates/regulations on transit agencies that might not be successful in an operating environment.

The program is developing a substantial workload of standards and recommend practices that are being reviewed by the five different security working groups:

- 1) Fixed Infrastructure
- 2) Security Risk Management
- 3) Emergency Management
- 4) Enterprise Cyber Security
- 5) Control and Communications Cyber Security

Cyber security is an increasing concern globally and a particular area of focus within the Standards Program. IT systems are central components in the operations and administration of small, medium, and large transit agencies. A cyber-attack or IT system breach of a transit agency can pose increased levels of concern as cyber threats may not only compromise administrative/business systems (i.e. employee records, inventory data, etc.), but can lead to the malfunction of critical control, GPS, and communications systems in vehicles or track infrastructure. It is worth noting that the federally mandated positive train control (PTC) system designed to prevent train collisions is itself a nationwide interconnected IT system. The creation

and development of cutting edge procedures to prevent cyber-attacks in the transit industry is vital. The cyber-security working groups of the Standards Program are partnering directly with transit agencies and making significant progress on document development and educating the industry as a whole on modifying and security their IT systems and computing and communications environments.

#### *Information-Sharing and Analysis Centers (ISAC)*

In 2002, APTA was designated by the Secretary of Transportation as the sector lead for creating and operating the Public Transportation–Information Sharing and Analysis Center (PT-ISAC). The project was initially funded by the FTA and most-recently the TSA committed \$1.1 million to continue ISAC operations.

APTA, TSA, and FTA have been long been working collaboratively through the Mass Transit SCC/GCC process to streamline the information sharing environment within the public transit industry and eliminate redundancy. This partnership led to the formation of an industry/government “Security Information Sharing Working Group”, including the Association of American Railroads (AAR). The working group subsequently developed the *Transit and Rail Intelligence Awareness Daily (TRIAD)* report as the daily Surface Transportation (ST) and PT–ISAC security notification platform. The *TRIAD* provides ISAC members with a quick, web-based, functional synopsis in three fundamental areas – suspicious activities, terrorism and counterterrorism analysis. The ISAC also includes a Daily Open Source Cyber Report and serves as a reliable vehicle for TSA to distribute their critical industry critical updates.

In 2012 TSA requested that APTA create the Highway ISAC (now called the Over the Road Bus–ISAC or OTRB–ISAC). The OTRB–ISAC has also implemented, at the request of TSA, an “incident call center” which is replacing parts of another expired TSA grant/program run by the American Truckers Association. The efficiency, responsiveness, and critical commentary the ST, PT and OTRB–ISACs provide help to protect public transit, freight rail, and over the road bus agencies and companies which comprise much of the transportation sector.

The PT-ISAC and now the OTRB-ISAC have proven to be essential resources within the public transit and motor-coach industries. The PT–ISAC is the single most important and effective national information and intelligence sharing tool that public transit systems can access. The PT–ISAC delivers comprehensive national intelligence information with additional analysis and recommendations from government intelligence reports.

#### **Conclusion**

Mr. Chairman and members of the Subcommittee, I thank you for this opportunity to share our views on these critical homeland security issues. There is no greater priority for public transportation systems than the safety and security of our passengers and workers. Transit systems across the country continue to stand ready, committed and vigilant in utilizing available resources efficiently to protect our systems and our riders. We are grateful for the past support of this subcommittee and its investments in public transportation security.

## Outside Witness Testimony

House Appropriations Committee  
 Subcommittee on Homeland Security  
 April 10, 2014

Comments on the Fiscal Year 2015 Budget Request for the Federal Emergency  
 Management Agency

Submitted by:  
 Association of State Floodplain Managers  
 Chad Berginnis, Executive Director

The Association of State Floodplain Managers appreciates this opportunity to comment on aspects of the Fiscal Year 2015 FEMA Budget Request. We wish to express the support of our members for the \$150 million request for the Flood Mitigation Assistance program and to urge appropriations above the budget requests for the Pre-Disaster Mitigation grant program and for the RiskMAP program.

The Association of State Floodplain Managers and its 35 State Chapters represent more than 15,000 state and local officials and other professionals who are engaged in all aspects of floodplain management and hazard mitigation, including implementation of aspects of the National Flood Insurance Program, mapping, engineering, planning, permitting, hydrology, forecasting and management of floodplain areas. All ASFPM members are concerned with reducing loss of life and property due to flooding. Our website is: [www.floods.org](http://www.floods.org).

ASFPM members wish to thank the Subcommittee for its prior support of mitigation/risk reduction and of risk identification. Disaster related costs to the nation continue to rise. Flooding is the most frequent and most predictably costly type of natural disaster that can affect every part of the country. To reduce the losses and associated costs, hazard mitigation is key. Risk identification (mapping) is essential to guide and direct hazard mitigation activities.

Flood Mitigation Assistance (FMA) is funded by flood insurance policy holders through the National Flood Insurance Fund (NFIF). FMA funds a variety of methods of flood mitigation and a significant component of its funding is directed to mitigation of Severe Repetitive Loss properties. These properties, which make numerous flood insurance claims, sometimes even cumulatively exceeding the value of the property, constitute a significant unnecessary drain on the NFIF. FMA was funded at \$100 million in FY '14 and we are very pleased to see that the budget request for FY '15 is \$150 million. We urge the Subcommittee to approve this request. Much of this money will be wisely spent to very clearly reduce claims on

the NFIF. It is also an important source of grant funds for those seeking to reduce their flood insurance premiums by mitigating their risk.

The Pre-Disaster Mitigation program has had a positive impact on mitigation capacity and reduced losses through its focus on two activities: all hazard mitigation planning and hazard mitigation projects. In the absence of mitigation funds made available after a disaster (Hazard Mitigation Grant Program), this program has been the major support for mitigation planning and for maintenance of the capacity to support mitigation activities. Many states' capacity would be dramatically diminished as well as support for building and maintaining local mitigation planning.

PDM is the primary funding source for hazard mitigation projects for states without a current disaster declaration. Demand has historically been high for PDM – the program usually takes in applications that exceed three times available funding. In 2013, after a shortened application period, FEMA received \$93 million in project applications. A recent driver of mitigation and need for PDM resources is NFIP reform. Both the reform acts in 2012 and 2014 result in flood insurance premium increasing toward full risk rates, which has driven and will drive an unprecedented interest in flood mitigation options to lower those premiums and risk. This is an appropriate reaction to better information about the true risk. However, the availability of PDM funds is key to taking advantage of this interest in mitigation and reducing the flood insurance premiums, particularly in areas where there is not a declared disaster which would make Hazard Mitigation Grant Program funds available.

ASFPM is extremely disappointed that the Administration has, once again, requested no funds for PDM. Ironically, the Administration has also suggested an appropriation of \$400 million for PDM in a related budget proposal for Opportunity, Growth and Security. It is so very important that this Subcommittee has managed to provide \$25 million for PDM over the past several years when the budget request has been \$0. ASFPM strongly urges the Subcommittee to provide at least \$25 million. This amount does fund the per/state allocations. Ideally, we would suggest funding PDM at \$150 million to facilitate a full, nationwide competitive grant program to reduce flood losses.

Floodplain mapping provides not only the regulatory tool necessary for implementation of the National Flood Insurance Program, but also identifies areas of risk to guide mitigation activities as well as community and economic development decisions.

FEMA's mapping program is funded both by appropriated funds and by fees paid by flood insurance policyholders. This dual source of funding is appropriate since the benefits of risk identification accrue to the NFIP and its policyholders as well as to all taxpayers. The nation has invested \$4.3 billion in digitizing most old paper maps and in updating a portion of the maps through new engineering studies since the

effort to modernize flood maps was initiated. Much of that engineering study work remains to be done; many less populated areas of the country have no maps at all and many areas still have outdated maps that do not reflect current conditions.

In response to questions about the mapping needs, ASFPM produced a report entitled "Flood Mapping for the Nation" using the \$400 million per year and additional mapping tasks authorized in the Biggert-Waters legislation as a guide. That report identified criteria as to what constitutes accurate flood mapping for all 22,000 NFIP communities in the nation and estimated the cost to achieve that to be a further investment of from \$4.5 billion to \$7.5 billion. All of these maps could be completed in 10-12 years with the authorized \$400 million/yr. A subsequent steady-state cost to then maintain accurate and up-to-date flood maps ranges from \$116 million to \$275 million annually.

Against this backdrop, it is evident that at current funding levels, it will take a long time to achieve adequate flood mapping for the nation. As this subcommittee is aware, the appropriations for mapping have decreased significantly from a high point of \$220 million in FY '10 to \$95 million in FY '14.

ASFPM members are very appreciative of Congressional understanding of the importance of accurate risk identification. We know that you have added to the Administration's recently very low budget requests. Approximately an additional \$10 million was added last year to reach that \$95 million level. This year, the budget request is \$84.4 million. We urge the subcommittee to appropriate at least \$100 million, and as much more toward the authorized \$400 million as possible. This investment in flood risk mapping will help to drive down costs and suffering due to flooding and will provide the best tool for managing flood risk and building sustainable communities.

Thank you very much for the opportunity to make these recommendations about FEMA's budget for FY '15. If you have any questions, please contact ASFPM Executive Director, Chad Berginnis, at (608) 828-3000 or [cberginnis@floods.org](mailto:cberginnis@floods.org).

Congressional Fire Services Institute / Fire Apparatus Manufacturers' Association /  
 Fire and Emergency Manufacturers and Services Association / International Association of Arson Investigators /  
 International Association of Fire Chiefs / International Association of Fire Fighters /  
 International Fire Service Training Association / International Society of Fire Service Instructors /  
 National Association of State Fire Marshals / National Fire Protection Association /  
 National Volunteer Fire Council / North American Fire Training Directors

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**Outside Witness Testimony:** Submitted to the Subcommittee on Homeland Security

**Regarding:** Department of Homeland Security, Federal Emergency Management Agency (FEMA)

programs – Firefighter assistance grants, United States Fire Administration, Urban Search and Rescue System

March 28, 2014

The Honorable Harold Rogers  
 Chairman, House Appropriations Committee  
 H-307, The Capitol Building  
 Washington, DC 20515  
 The Honorable John Carter  
 Chair, House Appropriations Subcommittee on  
 Homeland Security  
 B-307 Rayburn House Office Building  
 Washington, DC 20515

The Honorable Nita Lowey  
 Ranking Member, House Appropriations Committee  
 1016 Longworth House Office Building  
 Washington, DC 20515  
 The Honorable David Price  
 Ranking Member, House Appropriations  
 Subcommittee on Homeland Security  
 2162 Rayburn House Office Building  
 Washington, DC 20515

Dear Representatives Rogers, Lowey, Carter and Price:

On behalf of the nation's fire and emergency services, we write to urge your continued support for critical programs that enhance our nation's readiness: the Assistance to Firefighters Grant (FIRE) Program and the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program, the U.S. Fire Administration (USFA) and the Urban Search and Rescue Response Program (US&R).

The FIRE and SAFER grant programs are imperative to addressing the needs of more than one million fire and emergency services personnel, while providing an economic stimulus to American businesses. As you begin work on the Fiscal Year (FY) 2015 appropriations process, we encourage you to fund these programs at \$680 million evenly divided between the two programs, the same level the Congress approved for these programs in FY 2014.

Congress created FIRE and SAFER to address the baseline needs of our nation's fire and emergency services. These two highly successful programs help ensure that our nation's 30,000 fire departments have the necessary training, equipment, and staffing to respond to over 30 million emergency calls annually and continue to work to reduce community risk. Every community across the country relies on our firefighters to respond to a variety of emergency situations, including structure fires, emergency medical services, hazardous materials response, technical rescue, and wildland/urban interface fires. Both the FIRE and SAFER grant programs improve the response capabilities in every one of those emergency response areas, and provide funding for crucial fire prevention and safety programs targeted toward high-risk populations.

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The FIRE and SAFER programs have been extremely effective. According to the [Third Needs Assessment of the U.S. Fire Service](#), published by the National Fire Protection Association (NFPA), significant progress has been made in the readiness of fire departments across the country since the creation of the FIRE and SAFER programs. The NFPA study found:

- 51% of all fire departments lack enough portable radios to equip all responders on a shift (down from 77% in 2001);
- 51% of all fire departments cannot equip all firefighters on a shift with self-contained breathing apparatus (down from 70% in 2001);
- 46% of all fire departments have not formally trained all their personnel involved in structural firefighting (down from 55% in 2001);
- 48% of all fire departments responsible for emergency medical service (EMS) have not formally trained all their personnel (down from 54% in 2001);
- 20% of fire departments protecting populations of at least 500,000 have fewer than four firefighters assigned to an engine (down from 30% in 2001);
- 26% of departments protecting populations between 250,000 and 499,999 have fewer than four firefighters assigned to an engine (down from 41% in 2001).
- 35% of departments do not provide a school fire safety education program based on a national model curriculum (down from 47% in 2001).
- 52% of departments do not provide a free smoke alarm distribution program (down from 69% in 2001).

Summarizing the report, NFPA stated, “In all areas emphasized by the [FIRE] and SAFER grants, there is ample evidence of impact from the grants **but also considerable residual need still to be addressed**, even for needs that have seen considerable need reduction in the past decade.”

As the nation’s economic challenges continue, local fire departments – both career and volunteer – are forced to cut services and staffing, placing local communities at greater risk. In addition, departments are forced to postpone purchasing equipment, apparatus, and training and education programs that would otherwise enhance capabilities by bringing their departments into compliance with national voluntary consensus standards. The FIRE and SAFER grant programs provide the means to enhance preparedness and response capabilities nationwide to all types of hazards. These capabilities are squarely in the federal interest and justify continued federal investments.

In recent appropriations, Congress has authorized the Federal Emergency Management Agency to use funds from its “Salaries and Expenses” account to cover costs for administering the FIRE and SAFER grants. In previous years, a percentage of the appropriated funds for the grant programs were designated for such costs. Our organizations support the change Congress made in the Fiscal Year 2013 and 2014 funding bill and ask that Congress continue this practice for Fiscal Year 2015, allowing the full extent of grant dollars possible to be awarded to eligible fire departments.

Another issue we bring to your attention is funding for the U.S. Fire Administration (USFA). USFA plays an important role at the national level, ensuring that the fire service is prepared to respond to all

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hazards. Each year, USFA provides training to approximately one million fire and emergency service personnel through the National Fire Academy (NFA). It also collects important data and conducts research to reduce the threat of fire and other dangers in local communities. Unfortunately, over the past decade, USFA's budget has been reduced by 25% percent. This trend needs to stop. Continued cuts to USFA's budget will prevent improvements to the infrastructure of the NFA, eliminate important programs that promote fire safety and fire prevention in the wildland urban interface, and reduce technical support for the National Fire Incident Reporting System. For Fiscal Year 2014, Congress funded USFA at \$44 million. We ask that Congress continue to appropriate \$44 million for the USFA for FY 2015.

Lastly, we request your support for the Urban Search and Rescue Response System (US&R). As the nation's only self-sufficient, all-hazards, ready-response force, US&R is essential to our nation's homeland security. Given its crucial importance, we are extremely concerned with recent cuts to the program.

The average cost to maintain a US&R team exceeds \$2 million. Although Congress funded US&R at \$35.18 million in FY 2013 and FY 2014, this amount only covers a portion of the necessary costs, leaving local governments responsible for filling the gap and, thus, impairing local public safety. The FY 2015 budget request would cut funding for each US&R task force by about \$350,000, which puts an additional burden on local governments for a national asset. At a minimum, we urge Congress to fund the program at this level; however, we strongly support full funding so that US&R can carry out its mission safely and effectively.

We remain grateful for your continued leadership in ensuring that America's fire and emergency services are prepared to protect the public from all hazards – both natural and manmade. As you continue developing legislation to fund these programs for FY 2015, we urge you to consider our recommendations to ensure that our nation's first responders can continue to protect and serve their communities safely and effectively.

Sincerely,

Congressional Fire Services Institute  
 Fire Apparatus Manufacturers' Association  
 Fire and Emergency Manufacturers and Services Association  
 International Association of Arson Investigators  
 International Association of Fire Chiefs  
 International Association of Fire Fighters  
 International Fire Service Training Association  
 International Society of Fire Service Instructors  
 National Association of State Fire Marshals  
 National Fire Protection Association  
 National Volunteer Fire Council  
 North American Fire Training Directors





**Statement for the Record**  
**By Bruce Lockwood, CEM®, President**  
**U.S. Council of the International Association of Emergency Managers (IAEM-USA)**  
**On the FY 2015 Appropriations**  
**For the Federal Emergency Management Agency**  
**Department of Homeland Security**  
**For the Subcommittee on Homeland Security,**  
**Committee on Appropriations**  
**U.S. House of Representatives**

April 10, 2014

Chairman Carter, Ranking Member Price, and distinguished members of the Subcommittee, I am Bruce Lockwood, Chair of the Capitol Region Emergency Planning Council and Deputy Director of Emergency Management in New Hartford, Connecticut. I serve currently as the President of the U.S. Council of the International Association of Emergency Managers (IAEM-USA); and, I am providing, on its behalf, this statement on critical budget and policy issues for the Federal Emergency Management Agency (FEMA).

Regarding FEMA's FY 2015 budget, IAEM-USA supports the President's request of \$350,000,000 for the Emergency Management Performance Grant and urges \$20,938,000 for the Emergency Management Institute, an increase of \$1.5 million over the request, and no less than \$25 million for the Pre-Disaster Mitigation Program. We have concerns about the re-proposed consolidation of the 16 homeland security grants into the National Preparedness Grant Program. We deeply appreciate the support this subcommittee has provided to the emergency management community over the past few years, particularly your support for the Emergency Management Performance Grant Program (EMPG).

**Emergency Management Performance Grants (EMPG)**

IAEM-USA respectfully urges that the Subcommittee approve no less than the President's request of \$350,000,000 for EMPG and continue to reject combining it with other accounts or other grants. This budget request once again includes EMPG in the State and Local Programs account and in a PPA called First Responder Assistance with Firefighter Assistance Grants and training partnership grants. We support the administrative funds being included in the Salaries and Expense account and not taken as a percentage of the grant funds.

The Emergency Management Performance Grant Program (EMPG) should be maintained as a separate all-hazard program focused on capacity building for all-hazards preparedness.

response, recovery, and mitigation at the state, local and tribal levels for those entities statutorily charged with such responsibility. All disasters start and end at the local level, which emphasizes the importance of building and sustaining this capacity at the local governmental level – and EMPG funding should not be invested exclusively in any one specific level of government. Funding from EMPG frequently makes a difference as to whether or not a qualified person is present to perform these duties in a local jurisdiction.

EMPG is fundamentally different from the suite of post September 11, 2001 homeland security grants. It has been in existence since the 1950's, requires a 50% state, tribal and local match and has established performance measures. The authorization of EMPG is purposefully broad to allow jurisdictions to focus their attention on customizing capabilities. EMPG, called "the backbone of the nation's emergency management system" in an Appropriations Conference Report, constitutes the only source of direct federal funding for state and local governments to provide basic emergency coordination and planning capabilities including those related to homeland security. The program supports state and local government initiatives for planning, training, exercises, public education, as well as response and recovery coordination during actual events.

EMPG is the only source of grant funding that provides for those charged with the statutory responsibility for emergency management at the State and Local government levels to develop an "all hazards" capability. In recent years, EMPG funding opportunity announcements (FOA) have provided that fusion center analysts for fusion centers operating in an "all hazards" capacity are eligible for funding. The EMPG FOA should clarify that analysts funded by this mechanism need to meet the same training and reporting as any other EMPG funded personnel. Given the historic trend of underfunding EMPG, we question whether adding eligible expenses such as the funding of fusion center analysts is appropriate for this grant.

Given that EMPG represents a shared investment made by both the Federal government and participating local, tribal and state jurisdictions, any changes to the program should be considered and implemented in conjunction with representatives of participating jurisdictions. We continue to urge transparency for the process of states awarding EMPG to sub-grantees. We would like for each State to provide a publically-available list of the names of the EMPG sub-grantees along with the amount of funding passed through to them on an annual basis.

### **Emergency Management Institute (EMI)**

The Emergency Management Institute (EMI), located in Emmitsburg, Maryland, provides vitally needed training to State, local and tribal government emergency managers through on-campus classes, a curriculum developed for field deployment and distance learning. This "crown jewel" of emergency management training and doctrine has made progress over the past four years with the funding support of Congress. We respectfully urge the Subcommittee to increase the funding for the Emergency Management Institute (EMI) to \$20,938,000, which is \$1,500,000 over the request level of \$19,438,000. Of special note is the further development and delivery of National Emergency Management Professional Program for state, local and tribal emergency managers. This program provides current training opportunities that meet current core competency standards for state, local and tribal emergency managers across the country.

The National Emergency Management Academy and National Emergency Management Leaders Academy are developed and in the regular curriculum. The National Emergency Management Executive Academy is in the final pilot phase and will be ready for full delivery by the end of 2014. An additional \$1.5 million would allow the development of mobile training teams, providing opportunities to increase access to these essential training courses through the medium of regional course delivery opportunities.

### **Pre-Disaster Mitigation (PDM)**

The FY 2015 budget proposed no new funding for the Pre-Disaster Mitigation program. Instead the President's proposal for the Opportunity, Growth, and Security Initiative includes \$400 million for competitive grants through the FEMA Pre-Disaster Mitigation program.

We urge the subcommittee to specifically designate no less than \$25 million appropriated in FY 2014. A Congressionally mandated independent study by the Multi-Hazard Mitigation Council, a council of the National Institute of Building Sciences, showed that on the average, a dollar spent by FEMA on hazard mitigation (actions to reduce disaster losses) provides the nation about \$4 in future benefits. Waiting until after a disaster happens to reduce future damages is not ideal. By implementing mitigation actions in advance of disasters, we reduce the impacts these events will have on our communities.

### **National Preparedness Grant Program (NPGP)**

For the third time, FEMA has proposed consolidating the 16 homeland security grants into the National Preparedness Grant Program (NPGP). Congress rejected the proposal in FY 2013 and FY 2014. Specifically, it was rejected because of the lack of legislative language. This year, legislative authorization language was provided to Congress on March 4, 2014 and organizations such as ours are carefully reviewing it.

Some of the concerns we have are as follows:

- The NPGP proposal would greatly broaden the definition of a unit of local government, a definition contained in numerous federal statutes. While that change is alleged to apply only to the NPGP, it could set a dangerous precedent for other laws and programs.
- There is no evidence or studies to support that combining the grants would result in greater efficiencies or improved preparedness.
- The proposal would create a state-centric program with no guarantee that the state would be a better manager of the funding.
- It is unclear whether there would be a defined stream of funding for Urban Area Security Initiative
- The proposal does not describe the role of local governments with respect to the states and Regional FEMA in the creation of the Threat and Hazard Risk Identification Assessment (THIRA). In addition, there does not appear to be a mechanism to handle differences of opinion on the THIRA. Further, there does not seem to be a mechanism to resolve disagreements between states and FEMA.
- Essential and effective programs that are less politically popular might suffer.

One of the best cases illustrating the detrimental effects of a consolidated grant program such as the proposed NPGP is the elimination of the Metropolitan Medical Response System (MMRS) as a stand-alone grant under the Homeland Security Grant Program. Established in 1996 in the Health Resources and Services Administration in the Department of Health and Human Services and later moved to Department of Homeland Security, the MMRS grew to a total of 124 MMRS jurisdictions receiving a total annual program allocation of \$39,800,000, or approximately \$320,000 per jurisdiction, in FY 2008. In 2012 MMRS funding was eliminated as a standalone program.

The MMRS is not simply an abstract planning grant; the MMRS has been one of the few Department of Homeland Security programs that improved the human casualty factor in disasters of any origin. The MMRS program, when properly funded and administered, has been the only program to put chemical antidotes into the hands of first responders within seconds of a potential exposure and not in an hour or significantly longer. The MMRS has enabled all local response agencies to effectively coordinate and integrate their resources and decision-making by using NIMS for medical incident management, and to stave off hospital surge through coordinated EMS responses in the field. No other grant program is required to plan, exercise, train and purchase specialized equipment for medical incident management, especially as a result of a Weapons of Mass Destruction event.

The consignment of health and medical mass casualty preparedness to being “an allowable expense” undermines overall national preparedness and shortchanges localities that want to coordinate, communicate, and collaborate to the best effect to prepare for and response to all manner of hazards. This type of program dedication is lost without specific designated funding and much of the capabilities that have been built will be lost within the next two years, at the time when there is greater recognized need for mass casualty preparedness as seen in Pima County, Arizona, Aurora Colorado, and Boston, Massachusetts.

## **Conclusion**

In conclusion, we urge the Subcommittee to continue to build State and local emergency management capacity by funding EMPG at no less than \$350,000,000 and retaining it as a separate account. We urge increasing funding for the Emergency Management Institute by \$1,500,000 over the request level. We urge that the Pre-Disaster Mitigation Program be specifically funded. We have strong concerns about the proposed National Preparedness Grant Program.

WEDNESDAY, APRIL 2, 2014.

**BUDGET HEARING—UNITED STATES CUSTOMS AND  
BORDER PROTECTION**

**WITNESS**

**R. GIL KERLIKOWSKE, COMMISSIONER, UNITED STATES CUSTOMS  
AND BORDER PROTECTION**

**OPENING STATEMENT: MR. CARTER**

Mr. CARTER. Today we welcome the recently confirmed Commissioner to the U.S. Customs and Border Protection, CBP, in what marks his first appearance before the Subcommittee.

Commissioner Kerlikowske, welcome, we appreciate you being here and thank you for your willingness to serve DHS and our Nation.

When we met you said you requested this assignment because the job would draw on your experience as both a career police officer and counter narcotics. There is no question that a law enforcement background will be invaluable to CBP.

You can count on this Subcommittee to deliver the funding and helpful oversight that CBP needs to fulfill its critical mission, a mission which captures what DHS is all about, facilitating legitimate travel and trade into the country and securing our Nation's borders and keeping any and all threats out of our country.

CBP's budget of nearly \$13 billion is almost 40 percent of DHS's total budget request.

During today's hearing we will ask whether your frontline operators, CBP officers, border patrol agents, and air and marine interdiction agents have what they need to get the job done, but the office of field operations will explore whether CBP has everything they need to efficiently process the more than \$110 million international travelers expected this year and over \$2.8 trillion worth of goods that cross our borders annually.

Finally, Commissioner, we need to discuss the human tragedy unfolding down south. As you know the number of children crossing the border illegally without parents or guardians is skyrocketing. About 6,000 crossed in 2011, 34,000 crossed last year, and CBP projects 60,000 to cross in fiscal year 2014. That is a tenfold increase in the past three years. Regrettably, this serious issue is devolving into a humanitarian crisis and a law enforcement nightmare.

We need to discuss what's causing the problem, the roles and responsibility of CBP and HHS, and the resource implications of this influx of smuggled and trafficked children.

While I recognize and am sympathetic to the humanitarian obligations we give these young victims, we cannot ignore that politics are creating a gravitational pull so strong that parents are willing

to support vile criminal networks and to place their precious children in harms way, outcomes this Subcommittee can and will not accept.

During this hearing I intend to get to the bottom of this issue because it is a human tragedy that cannot be ignored. Commissioner, sovereign nations control and manage their borders as the same as the integrity of their immigration systems. These objectives are your duty and I expect nothing less from you and from the men and women of CBP.

Now let me turn to our distinguished Ranking Member and former Chairman for his remarks that he may wish to make.

Mr. Price, please.

[The information follows:]

**The Honorable John Carter**  
**Subcommittee on Homeland Security**  
**Committee on Appropriations**  
***FY 2015 U.S. Customs and Border Protection Budget Request***  
**Witness:**  
**Commissioner Gil Kerlikowske**  
**10:00 AM | Wednesday | April 2, 2014 | 2358-A RHOB**  
**Opening Statement As Prepared**

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Hearing is called to order –

Today we welcome the recently confirmed Commissioner for U.S. Customs and Border Protection (CBP) in what marks his very first appearance before our Subcommittee. Commissioner Kerlikowske, welcome....we appreciate you being here and thank you for your willingness to serve DHS and our Nation.

When we met, you said you requested this assignment because the job would draw on your experience as both a career police officer and in counter-narcotics. There is no question...your law enforcement background will be invaluable to CBP. You can count on this subcommittee to deliver the funding and tough oversight that CBP needs to fulfill its critical mission – a mission which captures what DHS is all about – facilitating legitimate travel and trade *into* the country and securing our Nation's borders and keeping any and all threats *out* of our country.

CBP's budget of nearly \$13 billion dollars is almost 40% of DHS's total budget request. During today's hearing, we'll ask whether your front line operators – the CBP officers, Border Patrol agents, and Air and Marine interdiction agents – have what they need to get the job done.

For the Office of Field Operations, we'll explore whether CBP has everything they need to efficiently process the more than 110 million international travelers expected this year and over \$2.38 trillion worth of goods that cross our borders annually.

Finally, Commissioner, we need to discuss the human tragedy unfolding down south. As you know, the number of children crossing the border illegally without parents or guardians is skyrocketing. About 6,000 crossed in 2011, 34,000 crossed last year, and CBP projects 60,000 to cross in FY14 – that's a ten-fold increase in the past three years.

Regrettably, this serious issue is devolving into a humanitarian crisis and a law enforcement nightmare. We need to discuss what's causing the problem, the roles and responsibilities of CBP and HHS, and the resource implications of this influx of smuggled and trafficked children.

While I recognize and am sympathetic to the humanitarian obligations we give these young victims, we cannot ignore that policies are creating a gravitational pull so strong that parents are willing to support vile criminal networks, and to place their precious children in harm's way—outcomes this subcommittee cannot accept.

During this hearing, I intend to get to the bottom of this issue...because it is tale of human tragedy that cannot be ignored.

Commissioner, sovereign nations control and manage their borders and sustain the integrity of their immigration systems. These objectives are your duty and I expect nothing less from you, and from the men and women of CBP.

Now, let me turn to our Distinguished Ranking Member and former Chairman for any remarks he wishes to make.

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## OPENING STATEMENT: MR. PRICE

Mr. PRICE. Thank you, Mr. Chairman. Good morning, Commissioner Kerlikowske, welcome. Congratulations on your confirmation.

Although Customs and Border Protection has been in good hands since the departure of the last confirmed commissioner we are pleased that you are now on board and we look forward to working with you to help CBP carry out important customs and border security missions.

CBP continues to face significant challenges, particularly along the southern border. This is true not only in the context of security between the ports of entry and particularly in the rising volume of illegal entrance in the Rio Grande Valley sector, but also because of the volume of legal entrants and commerce flowing through the ports of entry, and CBP still struggles at times to manage the passenger flow and wait times at our airports of entry.

Like other areas of the department CBP is looking for ways to increase efficiency through new technologies, improved processes, and more risk-based strategies. This subcommittee has aided these reforms and provided authority for CBP to enter into public private partnerships to improve CBP facilities and to expand services. I look forward to a discussion with you this morning of some of these efforts to do more with less.

CBP continues to make process in improving its situational awareness at the border and better targeting its resources based on that intelligence. It isn't clear however that a consensus has yet developed on exactly what securing the border means. We need to clarify expectations about realistic goals, the means for achieving these goals, budget requirements, and a realistic time frame.

A better consensus on border security is crucial to the enactment of immigration reform, which I do believe is coming and the sooner the better. Unfortunately some have set up their own definition of border security as a precondition for reform, but the fact is our border security goals are likely to be realized only as a consequence of reform. It is very important to get that straightened out.

The CBP budget request is for \$13.1 billion, an increase of \$651 million or 5.2 percent. This total includes \$331.7 million in proposed fee increases to support the hiring of another 2,125 CBO officers that would come on board beginning in 2016. This would be in addition to 2,000 new CBP officers funded through the fiscal 2014 bill. I hope you will be working closely with the authorizers regarding the need for these newly proposed officers and the rationale for using additional fee revenue to support them.

The total includes \$10.9 billion in net discretionary appropriations, an increase of \$187.3 million or 1.78 percent. This is a relatively modest overall increase, particularly when taking into account that employee payroll costs alone will rise by \$300 million in the coming year as a consequence of higher healthcare and retirement costs, not to mention the rising costs associated with the more experienced workforce. In fact personnel salaries and benefits now make up nearly 72 percent of your budget compared to only 56 percent 6 years ago. I don't need to tell you that if this trend continues it is going to limit CBP's ability to innovate, to acquire

technology, to maintain current technology, or to do anything else except simply pay for personnel.

The budget also proposes a cut of \$96.4 million to air and marine operations, including a cut of \$73.3 million or 58 percent to air and marine procurement and a cut of \$29.3 million to operations and maintenance. This raises serious questions about how CBP would maintain sufficient flight hours to meet the mission requirements of the border patrol, ICE, and other partners.

Additionally the budget proposes relatively small increases for new technology and equipment, improvements to the functionality of the arrival and departure information system, and the development of a geospatial tracking system to improve situational awareness along the southern border. So we have a lot to cover this morning in your first appearance.

Once again, we appreciate your being with us, look forward to a productive conversation.

Thank you, Mr. Chairman.

[The information follows:]

## Opening Statement by Ranking Member Price

Hearing on the FY15 Request for

U.S. Customs and Border Protection

April 2, 2014

Good morning Commissioner Kerlikowski, and congratulations on your recent Senate confirmation. Although Customs and Border Protection has been in good hands since the departure of the last Senate-confirmed Commissioner, we are pleased that you are now on board, and we look forward to working with you to help CBP carry out its important customs and border security missions.

CBP continues to face significant challenges, particularly along the southern border. This is true not only in the context of security between the ports of entry – and particularly in the rising volume of illegal entrants in the Rio Grande Valley sector – but also due to the volume of legal entrants and commerce flowing through the ports of entry. And CBP still struggles at times to manage the passenger flow and wait times at our air ports of entry.

Like other areas of the Department, CBP is looking for ways to increase efficiency through new technologies, improved processes, and more risk-based strategies. This subcommittee has aided these reforms and provided authority for CBP to enter into Public Private Partnerships to improve CBP facilities and expand services. I look forward to a discussion with you this morning about some of those efforts to do more with less.

CBP continues to make progress in improving its situational awareness at the border and better targeting its resources based on that intelligence. But it isn't

clear that a consensus has yet developed on what “securing the border” means. We need to clarify expectations about realistic goals, the means for achieving those goals, budget requirements, and a realistic time-frame. A better consensus on border security is crucial to the enactment of immigration reform, which I believe is coming – and the sooner the better. Some set up their own definition of border security as a precondition for reform, but the fact is our border security goals are likely to be realized only as a consequence of reform.

The CBP budget request is for \$13.1 billion, an increase of \$651 million, or 5.2 percent. This total includes \$331.7 million in proposed fee increases to support the hiring of another 2,000 CBO Officers that would come on board beginning in 2016. This would be in addition to the 2,000 new CBP Officers funded through the fiscal year 2014 bill. I hope you will be working closely with the authorizers regarding the need for these newly proposed officers and the rationale for using additional fee revenue to support them.

The total includes \$10.9 billion in net discretionary appropriations, an increase of \$187.3 million, or 1.8 percent. This is a relatively modest overall increase, particularly when taking into account that employee payroll costs alone will rise by \$300 million in the coming year as a consequence of higher healthcare and retirement costs, not to mention the rising costs associated with a more experienced workforce. In fact, personnel salaries and benefits now make up nearly 72 percent of your budget, compared to only 56 percent just six years ago. If this trend continues, it will increasingly limit CBP’s ability to innovate, acquire new technology and maintain current technology, or do anything else except pay for its personnel.

The budget also proposes a cut of \$96.4 million to Air & Marine Operations, including a cut of \$73.3 million – or 58% – to Air and Marine procurement and a cut of \$29.3 million to Operations and Maintenance. This raises serious questions about how CBP would maintain sufficient flight hours to meet the mission requirements of the Border Patrol, ICE and other partners.

Additionally, the budget proposes relatively small increases for new technology and equipment, improvements to the functionality of the Arrival and Departure Information System; and the development of a geospatial tracking system to improve situational awareness along the southern border.

So we have a lot to cover this morning in your first appearance. Once again, I appreciate your joining us and I look forward to a productive conversation.

Mr. CARTER. Thank you, Mr. Price.

Mr. Kerlikowske, we have your written testimony, it is in the hands of all the members of the committee, the subcommittee, and will be part of the record. I ask that you take the next five minutes to sum up what you have given us in your written testimony.

OPENING STATEMENT: MR. KERLIKOWSKE

Mr. KERLIKOWSKE. Okay. Well, thank you, Mr. Chairman and Ranking Member Price and members of the subcommittee.

Well, it is an honor to be with you and it is an honor to be representing the men and women of the United States Customs and Border Protection. This is an opportunity and my first hearing and appearance since my confirmation to thank you personally for your support to CBP over these years, its mission, which is critical not only to our national security, but certainly to our economic security.

You know, I had the privilege of meeting the chairman, the ranking member, and other members of the committee, I look forward to getting acquainted with all of you in the weeks and the months ahead.

I have a career of more than 40 years that has been dedicated to public service and it is a great honor to continue to serve our nation as the commission of CBP.

Well recently I visited Arizona and Texas to get a firsthand look at CBP's operations at and between our ports of entry, and I saw the unique challenges presented by the terrain, the different border environments, and I saw the incredible volumes of cargo and people that were crossing at our ports. I met with many dedicated CBP personnel. We talked about border operations and we talked about morale. I also met with our partners where we discussed wait times and innovative programs to speed agriculture cargo inspections.

And one of the most impressionable parts of my visit was sitting in the holding rooms and speaking with the unaccompanied children. And as you know and as the chairman mentioned the number of unaccompanied children crossing our borders is certainly on the rise.

Having seen this very deeply troubling trend personally I want to commend the dedication and compassion of those frontline personnel that what they have done has been heroic. Taking care of these kids, donating clothing from their own children was really impressive and we can't forget the human element of the work that we do.

As during my time at ONDCP I am going to continue to demonstrate the highest levels of responsiveness and transparency and communication with Congress, and I believe I did that over my five years there, our stakeholders and the public as well as the dedicated men and women of CBP. At ports of entry increasing travel volume is the greatest challenge to these limited resources. And while we are working to transform our business processes and secure additional staffing to support the growth we also must demonstrate the impact of all of our efforts.

In the coming months we are going to work with industry to get some clear baselines for wait times and develop metrics. And these

conversations, Mr. Chairman, are going to be crucial as we hire, train, and deploy the additional officers that were provided by Congress. I am committed to hiring those 2,000 additional officers appropriated by the end of fiscal year 2015.

The President's budget request continues our commitment to maintaining the highest levels of frontline personnel and includes an additional 2,000 officers funded by proposed changes to user fees. These additional officers will result in faster processing and inspections of passengers and cargo.

Well thanks to this committee's support I look forward to the opportunities presented by public private partnerships to meet the specific needs of stakeholders and address the rising volumes of travel and trade, and I am going to keep you updated on the progress of these programs.

Working with the trade, CBP has made real strides modernizing its business practices for the 21st century and the President's budget enables me to build on those successes by maturing the centers for excellence and expertise, improving our automated trade system and deploying mobile handheld screening equipment at our ports to improve the flow of lawful trade.

The budget also enables us to continue to deploy proven and effective surveillance technology, including mobile and remote video surveillance, multi-role enforcement aircraft, all to increase our situational awareness along the borders.

Critical to all of CBP's security and facilitation efforts is the engagement with the international community. I am going to work to enhance our collaboration with your foreign counterparts through programs like preclearance to extend our zone of security and address threats long before they reach our borders.

I commit to continuing to work with the committee on this critical program as well as all our programs operations and activities. I welcome the oversight and the engagement with the public, I embrace my responsibility as a steward of taxpayer dollars.

I thank you for the opportunity to appear before you, and I look forward to answering your questions.

[The information follows:]

TESTIMONY OF

R. GIL KERLIKOWSKI  
Commissioner

U.S. Customs and Border Protection  
Department of Homeland Security

BEFORE

House Appropriations Committee  
Subcommittee on Homeland Security

ON

“Fiscal Year 2015 Budget Request”

April 2, 2014  
Washington, DC



## Introduction

Chairman Carter, Ranking Member Price, Members of the Subcommittee, it is an honor to appear before you today to discuss the work that U.S. Customs and Border Protection (CBP) does in securing America's borders. CBP, with 60,000 employees, is America's frontline border security agency, responsible for protecting the United States and the American people from the entry of dangerous goods and people. CBP's priority mission is keeping terrorists and their weapons out of the United States. CBP is also responsible for securing the border and facilitating lawful international trade and travel, while enforcing hundreds of U.S. laws and regulations. This includes ensuring that all persons and cargo enter the United States legally and safely through official ports of entry (POEs), preventing the illegal entry of persons and contraband into the United States at and between POEs, promoting the safe and efficient flow of commerce into the United States, and enforcing trade and tariff laws and regulations.

CBP protects approximately 7,000 miles of land borders and 95,000 miles of coastal shoreline. Operating at 329 distinct POEs across the United States, in Fiscal Year (FY) 2013, CBP processed more than 362 million passengers in the land, sea, and air environments, welcoming a record 102 million air travelers. This demonstrates a 16 percent increase in the air environment since FY 2009 with estimates that CBP could process more than 110 million air passengers in FY 2015. Also in FY 2013, CBP processed \$2.38 trillion in trade and nearly 25 million cargo containers through our Nation's POEs collecting \$42.5 billion in revenue, a six-percent increase over the \$39.4 billion in revenue collected in the previous year – illustrating the critical role of CBP not only with respect to border security, but with economic security and continued growth. Trade and travel are absolutely vital to our economy, and according to the U.S. Travel Association, one new American job is created for every 33 travelers arriving from overseas.

I would also like to acknowledge and thank this Committee for the consistent support and commitment you have shown to the mission and people of CBP. Today I will discuss how CBP is using the resources provided by Congress efficiently and effectively, and demonstrate how our FY 2015 Budget request supports CBP's continued commitment to keeping terrorists and their weapons out of the United States, securing the border, and facilitating lawful international trade and travel.

Our FY 2015 operational and budget priorities are:

- Strengthening and optimizing resources at our Nation's ports of entry to secure and facilitate increasing volumes of travel and trade.
- Maximizing efficiency and effectiveness of critical frontline capabilities to secure our borders between the ports of entry.

These priorities support continued efforts of CBP's frontline personnel who work tirelessly to deter illicit trafficking in people, drugs, illegal weapons, and money, while facilitating legitimate travel and trade. CBP achieves its mission using a combination of personnel, advanced information, risk assessment, technology, and partnerships with Federal, state, local, tribal, territorial and international law enforcement agencies as well as private industry.

### Strengthening and Optimizing Resources at our Nation's Ports of Entry

CBP officers (CBPOs) are critical in ensuring border security, preventing terrorism, strengthening international cooperation, and securing and facilitating the trade and travel that is vital to the Nation's economy.

As of February 22, 2014, CBP maintained a workforce of 21,891 CBPOs. Thanks to your support, funding for 2,000 new CBPOs was included in the *Consolidated Appropriations Act, 2014*<sup>1</sup> (henceforth referred to as the "FY 2014 Omnibus"). Those CBPOs will help to address our staffing needs as identified in CBP's Workload Staffing Model (WSM), a tool used to assist CBP in determining staffing requirements based on operational demands. These additional officers will have a positive impact on operations, helping to both reduce the impact on wait times as travel volume continues to increase and enhance our screening of cargo.

The extent to which wait times affect the local and national economy was most recently studied by the National Center for Risk and Economic Analysis of Terrorism Events (CREATE), a DHS Center of Excellence. CREATE issued "The Impact on the U.S. Economy of Changes in Wait Times at Ports of Entry"<sup>2</sup> in February 2013. Their analysis found that an increase or decrease in staffing at the POEs has an impact on wait times and, therefore, on the U.S. economy. More specifically, adding 2,000 more CBPOs will help reduce wait times, expedite the flow of trade and tourism, and promote economic growth, leading to the creation of approximately 66,000 new jobs and increasing the Gross Domestic Product (GDP) of the United States up to \$4 billion.

I would also like to provide you with a status update on our hiring efforts. CBP's Office of Human Resource Management (HRM) is planning to publish new CBPO Job Opportunity Announcements in late spring and summer 2014 to support hiring surge requirements. Additional vacancy announcements will be opened as necessary in 2015 to support remaining hiring requirements. A critical component in supporting this hiring initiative is the Office of Internal Affairs' (IA) role in conducting polygraph examinations and background investigations within the required time frames. We estimate that IA will need to clear at least 4,300 applicants in total for FY 2014 and FY 2015 to meet CBP's hiring requirements. CBP will meet this requirement and have sufficient candidates to place into academy classes, to onboard all 2,000 new CBPOs, as well as address attrition hiring goals by the end of FY 2015.

As travel volume continues to increase, however, we must constantly evaluate operational needs to ensure that we mitigate security risks while processing all travelers in a timely and efficient manner in order to facilitate legitimate trade and travel. In FY 2013, for example, the total passenger volume was 6.4 percent higher than in FY 2011, and commercial air passenger arrivals during the same period increased by 8 percent.<sup>3</sup> CBP's *FY 2014 Resource Optimization at Ports of Entry Report to Congress* includes the results of the Workload Staffing Model (WSM), which identifies a need for additional workforce capacity at our POEs, assuming current processes, procedures, technology, facilities, and use of overtime.

<sup>1</sup> P.L. 113-76

<sup>2</sup> "The Impact on the U.S. Economy of Changes in Wait Times at Ports of Entry," National Center for Risk and Economic Analysis of Terrorism Events (CREATE), University of Southern California, released April 4, 2013.

<sup>3</sup> Source: CBP's Operation Management Reporting Tool.

The President's FY 2015 Budget Request therefore recognizes the need for CBP to maintain the highest levels of security and facilitation of trade and travel at our POEs. Further, the request will enable CBP to continue investing in technology and pursuing partnerships and programs that increase the efficiency of processing travelers at air, sea, and land ports of entry.

As part of CBP's efforts to address the WSM results, the Budget seeks congressional approval for legislative proposals to increase current user fees to support the hiring of additional CBPOs. These additional positions, along with the workforce optimizing impacts of technology and partnerships, would fully support the WSM requirement.

#### *Increase in User Fees for CBPO Staffing*

Despite the efficiency gains that CBP will achieve by continuing to streamline its current business processes and the additional FY 2014 funding for 2,000 new CBPOs, CBP will still face staffing and infrastructure challenges in FY 2015 and beyond. User fees that support CBP travel operations have not been adjusted, in many cases, for more than a decade.<sup>4</sup> The legislative changes to user fee collections, as proposed in the Budget Request, will further enable CBP to efficiently and effectively process the more than 360 million arriving travelers and 25 million cargo containers annually. The FY 2015 Budget proposes \$331.775 million to hire up to an additional 2,000 CBPOs through proposed increases to certain user fees. These additional officers, along with the 2,000 new CBPOs funded through the FY 2014 Omnibus, would bring the total to a historic high of 25,775 officers.

Increasing the CBPO workforce by 2,000 officers could afford the following advantages:

- Enabling volume growth
- Lowering wait times
- Maintaining wait times as volume grows
- Increasing booth staffing
- Increasing enforcement actions
- Increasing economic activity, including GDP and employment.

CBP has proposed a \$2.00 increase to the Immigration User Fee (IUF) and eliminating an exception for certain sea passengers who pay a reduced fee under current law. The IUF increase is projected to provide over \$200 million in additional funding, supporting up to 1,205 of the 2,000 requested additional CBPOs. CBP also proposes increases to the *Consolidated Omnibus Budget Reconciliation Act of 1985* (COBRA) air and sea passenger user fees, and the Express Consignment Carrier Facilities (ECCF) user fees for providing services at express consignment carrier facilities. The COBRA and ECCF user fee increases are projected to provide over \$130 million in additional funding, supporting the remaining 795 additional CBPOs requested. Because these fee amounts are set by statute, without increases, the gap between fee collections and the operations they support continues to grow, and the number of workforce hours that fee collections support decreases each year.

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<sup>4</sup> The full set of COBRA fees were last increased in 2007. See 72 Fed. Reg. 3730 (using to the maximum extent the fee-increase authority provided in 19 U.S.C. 58c(j)(3)(B)(ii)). The routine IUF fee was last increased in 2001 by statute. See Pub. L. No. 107-77.

Mr. CARTER. Thank you, Commissioner, we appreciate your opening statement.

I want to start off with something I think is really very concerning to everybody. The 66,928 aliens who cross into the Rio Grande Valley, or as we call it in Texas the valley, between October and December 18,555 were under the age of 18 years of age. DHS and the Department of Health and Human Services estimate that 60,000 unaccompanied children will enter the United States illegally in fiscal year 2014, an increase of 815 percent from the 6,560 unaccompanied children apprehended only 3 years ago in fiscal year 2011.

I am concerned about these alarming trends, particularly for the safety of these children who are often being trafficked across the border by criminal organizations. And then there are kids who don't make it across the border, who could be sold into slavery or sexually exploited or killed.

Do you have any idea how many of these children are transported by cartels, traffickers, and other criminal organizations? What is the going rate to get a child across the border? And isn't that payment underwriting the cost of the organized criminal activity?

Doesn't it seem to you as it does to me that a policy like deferred action in a practice of reuniting these children with their parents, many of whom are in the United States illegally, creates a gravitational pull to cross the border without documentation and the second order affect of entrusting drug traffickers with the lives of young children?

Shortly after CBP apprehended these children HHS Office of Refugee Resettlement, ORR, is supposed to take custody of them. In fact HHS received an increase of nearly \$500 million in fiscal year 2014 to take custody of these children and take care of them until they are united with a parent, yet I am hearing with increased regularity that many kids are stuck in CBP facilities for days and sometimes weeks waiting to be transferred to HHS.

What is CBP's responsibility for these kids? Are there funds in CBP's budget request to support the added cost? What challenges does this create for ports of entry and border stations? What standards does CBP use when forced to care for these children beyond 12 to 24 hours? And what are you doing with HHS to control this unacceptable situation in terms of dealing with the children and discouraging the flow?

Mr. KERLIKOWSKE. Your description is absolutely accurate of the horrendous situation that we are encountering now and has gone on for well over a year.

I don't know the exact cost first of all that the cartels charge, but I know it is in the several thousands of dollars in order to transport and get someone into the United States. You asked if the cartels are involved in that process. And almost every person who enters the country illegally across that border has done so with the work of a cartel or a coyote. It is a rare occasion that somebody actually manages their way across without that.

The deferred action, the family reunification is an issue, but I have also looked at the surveys of some of these people that were talked to back in 2013. The violence within their own countries,

Guatemala, Honduras, Honduras now having I believe the highest homicide rate in the world and the crime in El Salvador. So the crime and the gang issues in their own country are a push out. Sometimes there is family violence also. And then of course there is the economic incentive to come to America, which has always been here. But I certainly understand this issue of family reunification as being a part of what is really a complex problem.

Our CBP facilities are not designed to hold these large numbers, nor are our ports of entry, that is why visiting with these families, seeing the work that was being done by the Border Patrol, but also our CBPO's at the bridges as they dealt with these families and with these young people was impressive. But being able to provide food, the best of conditions for them as they are held up to about 70 hours has been our max before they are able to—Immigration and Customs Enforcement being able to take them, and then of course Health and Human Services.

The Secretary, the Deputy and I have all engaged very aggressively with Health and Human Services and they have responded very much so adding additional beds for these young people, including weekends. We don't close on the weekends as you well know, Mr. Chairman, no one else should in dealing with these kids.

My role has been to keep our heads above water at CBP, to get the Border Patrol agents back doing their work on the border and not essentially babysitting a lot of children that they really don't have either the facilities or oftentimes the support that they need to do this.

Mr. CARTER. You know as we look at this problem I spent 20 years as a trial judge in Texas, a district judge, and the same fact situation if a parent of an American child were to put them in that kind of harms way chances would be very good that state services would intervene on behalf of the child for the protection of that child. I mean this is a horrendous thought to have innocent children turned over to the cartel members.

And I had a girl come up to me at Southwest, one of the dreamers, and tell me a story that she came across the border from Guatemala and that she had had to quote work her way, she was a young teenager, work her way, and she didn't say how, with the cartel across Mexico, which took her several months, and then when she finally was at a place where she thought she was still in Mexico but there with no one watching she crawled out of a window and ran away and just happened, she was in Brownsville, Texas.

Now your imagination can think what this young child had gone through, and then to seem to have this magnet that is causing people to—maybe it is partially the criminality in their own country—but it is also the fact that they think that this is something that they are going to get great benefits by coming across alone and that parents would pay people that can abuse these children horrifically so that they can get them over here. This is a crisis of great proportions. The same kid in Texas would be subject to possible parental rights being terminated for doing such things as that. That is how serious I think this is.

So I don't know, we have to solve this problem, and I am looking for solutions. I think everybody on this dais is looking for solutions,

and you unfortunately are the guy that has got to come up with it.

Mr. KERLIKOWSKIE. Could I respond for just a second on that?

Mr. CARTER. Sure.

Mr. KERLIKOWSKIE. Two things that I think are also important will be, and the Secretary is committed to a trip to Guatemala and has asked me to accompany him, part of this is trying to improve the quality of the border issues for those other countries, but also the work that the State Department and others have done to improve the quality of law enforcement in those other countries, and of course if the safety and security improves oftentimes as you well know the economy improves, and maybe there won't be quite that push for a safety security and economy if those other countries can do better. And CBP is committed to providing a level of expertise that we've developed over many years to help those countries when it comes to border enforcement issues.

Mr. CARTER. Mr. Price.

Mr. PRICE. Thank you, Mr. Chairman.

I want to associate myself with the concerns expressed by the chairman about this alarming increase in the number of unaccompanied children and the conditions under which they are reaching the border and what happens after that. We do need to work together to address this, and I am fully prepared to do so.

Let me ask you, Commissioner, about this question of border security and the holy grail that we sometimes have held out before us. The situational awareness or effective control of the southern border, just to use some of the buzz words.

I am not sure that those of us who don't live on the border or do this kind of work professionally always have a good understanding of what border security can and should look like. Some people seem to imagine a double or triple fence over the entire length of the border, others might assume that if we just had enough border patrol agents so we could put an end to illegal entries, maybe they could lock arms or something like that.

My time on this subcommittee has made clear that we simply cannot throw money at the border and assume we are going to fix this problem. We will never have enough agents nor fencing high enough or deep enough or fortified enough to keep every person attempting to illegally enter this country out.

The only credible solution is still going to involve a mix of personnel, infrastructure, and technology and of course just fortifying the border however we do it isn't enough. It is going to require comprehensive immigration reform also dealing with overstay visas and so forth.

Simply focusing on the border greatly oversimplifies the problem, but we still have to do the best we can with this, and we do need to have a better concept I think of what a secure border looks like, not set unrealistic expectations.

But from an appropriator's point of view CBP does have the responsibility to set border patrol mission goals, to develop strategies to achieve those goals, to develop target capabilities, to define capability gaps, and identify resource requirements and a schedule for filling those gaps. I know that is a big challenge.

It is very early in your tenure as commissioner, but what can you tell us about the status of the border patrol's efforts to better define its goals, strategies, and target capabilities? Does your fiscal 2015 budget request support border patrol progress in achieving its goals and capability requirements?

And let me go ahead and pose a somewhat more specific question and let you just answer them all together. This has to do with the failure of SBInet. After that many people have begun to question whether CBP and the border patrol could ever figure out how to do the technology side of border security.

I know there are complicated reasons for why SBInet failed, I am hopeful that we have learned from the experience, aren't likely to repeat it, but how do you think the current technology approach at the border is different from SBInet? How confident are you that we are on the right path now?

And then finally the fiscal 2015 budget proposes \$11 million to develop a national border geointelligence strategy and to establish a southwest border tracking system. How does this tracking system fit into improving the situation of awareness of the border? How will it work with other infrastructure and technology CBP is establishing along the border such as tethered aerostats, integrated fixed towers, video surveillance equipment, the other kind of technological advances that I am sure you will want to reference?

Thank you.

Mr. KERLIKOWSKIE. Well, certainly Congress has been very generous over these years to improve the resources for Customs and Border Protection in a variety of ways, and many of those that you mentioned.

The border metrics issue is particularly a difficult one. I went back and read the memos from the 1990s about definitions of OPCODE and definitions of the conditions that would define a safe border. Right now the Border Patrol is actively engaged in trying to add to their border metrics, what is a safe or what is a secure border?

I look back at my experience as a police chief for a number of years and people trying to define, tell me is Seattle a safe city, is Buffalo a safe city? Well is that a city with a low crime rate? Is it a city with a high number of officers? Is it a city that has a lot of arrests? Everybody had a bit of a different definition of what is a safe city, and I think that quite a bit of the secure border issue is also in the eye of the beholder.

When I met with the mayors and I have looked at the crime rates of our border cities there are a number of cities in the rest of the United States that would be very happy have a crime rate as low as our border cities. Large cities such as El Paso and much smaller cities also.

The technology is important. Right after the contract was awarded for the new integrated fixed towers I met with the people who have received that and told them that I would be watching personally very carefully not only the work that would be done but also to make sure and ensure that the people that are kind of the boots on the ground, the people that are using this technology actually see it as effective and useful, and I would continue to evaluate it.

SBI net had many failures from a variety of standpoints. We know that technology is value added whether it is the tethered aerostat. I think that the fact that we are buying off the shelf equipment, the fact that as we draw down in Afghanistan that we are able to get, whether it is video scope trucks or other things, all of these are ready to go and have been deployed, and I saw some deployed as quickly as within three weeks after leaving Afghanistan in the Valley, and I think that is important.

Also our people are already familiar and knowledgeable. We have had a number of our folks that have been— that have served in Afghanistan, have served in Iraq, and we have people over there helping those or helping Afghanistan understand border. So they are familiar and knowledgeable about this technology. So, it is not only being deployed quickly.

And it goes back to two things as simple as the horse patrol, mounted Border Patrol agents using mustangs that are taken in from the range, ATVs, shallow draft vehicles for the Valley. But I think lastly it also includes the risk, and I will close with just mentioning the geointelligence.

Somebody once said if you have seen one part of the border you have seen one part of the border, and what works in Arizona or New Mexico may not be particularly appropriate to the border areas and the Valley, and I saw that quite a bit firsthand.

So this system with all of these different systems of sensors and aerostats and video, with all of these systems coming together how do we get a picture of where the greatest risk is and where is the greatest threats? How do you integrate all this technology and information so that the Border Patrol can be more agile and more flexible about where they are positioned so that in areas frankly that are at far less risk? We may need to be able to move people to places where this information is aggregated and we can move those people to—with their technology to places where the risk is greater.

Mr. PRICE. So just to underscore what you are saying, it sounds as though you are stressing not just improvements in technology from the SBI net effort but really a much more diverse strategy, a much more—a different approach, a more varied kind of approach? It is not just a matter of increasing technical capabilities of one sort or another?

Mr. KERLIKOWSKE. And it is that understanding of what all of this information means, how do you compile it and then how do you recognize where the greatest threat is and how do you move people there.

Mr. PRICE. Thank you, Mr. Chairman.

Mr. KERLIKOWSKE. Thank you.

Mr. CARTER. Mr. Dent.

Mr. DENT. Thanks, Mr. Chairman.

Good morning, Commissioner Kerlikowske.

Last year, this subcommittee did more to improve the travel experience than it ever has by appropriating funds to hire 2,000 additional CBP officers.

We are concerned about the long wait times at major gateway airports and we were compelled by an analysis that shows that 33 CBP officers will reduce wait times so dramatically that the result



is a \$65.8 million increase in GDP, \$21.2 million in opportunity cost savings, and 1,094 jobs.

To further improve that customer experience, the omnibus, the fiscal year 2014 omnibus mandated that CBP develop metrics to reduce wait times, that CBP be more transparent with stakeholders and explain the methodology for how these additional officers will be deployed, and that the CBP engage the stakeholder community to develop coordinated operational plans that will reduce wait times.

Without divulging any operationally sensitive information, can you explain the methodology that CBP intends to use to allocate the additional officers?

Mr. KERLIKOWSKIE. The methodology, and we are grateful for the 2,000 additional CBPOs that will be deployed because it will reduce wait times, and we know that it also helps to create American jobs and improve the economy.

There was a very complex what is called a Resource Optimization Study that involved looking at all of the ports of entry and the wait times and then also anticipating what the increases are. And as you well know, we have seen an increase in both personal travel into the United States and also cargo.

That study was widely viewed and widely held by a variety of people, staff members and Congress, stakeholder groups, the people running those airports, those ports of entry, and then the umbrella or lobbying organizations, as a very fair and balanced way looking at workload. And that is how the CBPOs, the additional 2,000 CBPOs are being deployed.

The actual study asked for or showed a need for 3,800 CBPOs, so they will be deployed based upon a formula that involves workload.

I would tell you that in meeting with a number of the groups, they wanted us to be very transparent in how not only this was done but how the money was being spent. And I agree with that.

And lastly I would tell you that as we look forward to additional CBPOs, we will do a better job of anticipating the increases in travel rather than just using the pre-data.

Mr. DENT. Thank you for that answer.

When do you intend to have all the 2,000 CBPOs on board, trained, and deployed?

Mr. KERLIKOWSKIE. I am committed to having them hired by the end of fiscal year 2015. Two thousand is a large number. The background checks and the polygraph examinations and making sure they are properly and thoroughly vetted is critical to me. It is a huge mistake if you hire too many people too quickly without doing the proper steps.

Mr. DENT. Are there any impediments beyond the polygraphs and the vetting that you would expect for this?

Mr. KERLIKOWSKIE. I do not other than the polygraph examinations, and we have a request out now for certified polygraph examination services through a contract to bolster our current polygraph cadre.

Mr. DENT. And what engagement have you done with stakeholders and who is conducting this outreach? What is your time line for developing these coordinated operations plans?

Mr. KERLIKOWSKIE. The next step would be to review the Resource Optimization Study if the additional—and it has to be a living document because of changes.

So I think it is critical that—and right after my nomination in August, I met with Mr. Donohue and the Chamber and a variety of trade and travel organizations to assure them that I was very interested in meeting their needs, that even though I had 40 years in law enforcement that I recognize the importance of these things to our economy but also to our safety and security.

And my door has been and will continue to be open to them.

Mr. DENT. And have you developed any metrics on wait times and when will you present to Congress for review?

Mr. KERLIKOWSKIE. The wait times will be transparent and we know with our history that as we not only increase the people there at those stations, it is also the technology. So the hand-held devices, the kiosks, global entry, all of those things actually help people speed through the system and, again, while maintaining our necessary security precautions.

Mr. DENT. And final question is, do you have any plan to let the stakeholders have any input into the metrics?

Mr. KERLIKOWSKIE. The concern that was voiced to me is that the stakeholders should be engaged more often and, frankly, more robustly than using data from the past because they know their facilities, they know their ports.

And I think they can be helpful to us in anticipating where the growth will be and at what levels rather than using data that came from a prior fiscal year. So I will do that.

Mr. DENT. Thank you.

Yield back.

Mr. CARTER. Mr. Cuellar.

Mr. CUELLAR. Mr. Chairman, thank you very much.

And, Commissioner, welcome.

Let me first of all thank you so much for those 2,000 CBP officers that the committee appropriated. I know that the chairman and I have been talking about this and appreciate that you put them in areas that are very busy on that, so I appreciate that, number one.

Number two, on the issue that the chairman brought up and David Price also, Mr. Price also, about the children, I understand that issue in the sense that I have gone to Nixon, Texas. I do not think you have that place anymore there. And I got to talk to the kids and at least the kids that I spoke, and they were young boys and girls, and you heard stories about them being molested when you put them in the kind of Coyotes.

But a lot of it, Mr. Chairman, is that parents are here already and they got the kids there. They want to have their kids over here. They are going to be up here and it is a sad situation. So whatever we can help you with, we would love to talk to you because it is a sad situation.

Now, let me ask you to look at your performance measures and I have looked at the government, performance.gov. And I would ask you as the new commissioner to go back and look at some of the measures because I think those measures need a lot of work.

Under the provision that we added this last omnibus bill that actually calls on GAO to work with you all, work with us to come up with some measures, there is a little bit of work that needs to be done. I would ask you to do that.

But talking about this new workforce that you now with the additional ones that you will have by the end of next year, what sort of challenges will you face, morale, and what are your priorities as the new CBP commissioner?

Mr. KERLIKOWSKIE. Well, I think it is absolutely no secret in the surveys of employees that CBP and the Department of Homeland Security have not fared very well. I know that in all of the meetings that the Secretary had with members and in his confirmation hearing and my meetings with the Deputy Secretary also that improvements of employee morale are absolutely critical.

In my opening letter 40 minutes after confirmation, I was in the office at CBP. I am not sure if I was actually supposed to do that, but I did. In my opening letter that went out the very next morning to all almost 60,000 employees, I tried very hard to stress not only what my expectations are of them as the Commissioner but also what they could expect from me.

I think I have had a good history in managing, leading, directing people in large organizations and in 24/7 operations like a police department. And that is exactly what CBP is. So the morale issue is important.

I would tell you that the administratively uncontrolled overtime and the salary issue is a critical factor that has to be fixed for these personnel. And I am committed to doing that. It comes up a lot.

During the sequestration, mission support specialists are essentially people that are not in the enforcement, those positions were frozen. And so you saw a number of those jobs that had to still continue to be done by people that did not have quite the expertise.

We are now, thanks to these changes, we are now in the process of hiring those support—or hiring a number up to 500 support personnel. That will relieve some of the administrative burden on some of the enforcement personnel.

And I agree with you in two ways on the metrics. One is that I do not think I have ever seen an agency that has more metrics. And our investment in three-ring binders is significant.

I would tell you looking at the metrics that are handed to me every two weeks, it is a bit of information overload. And I would like to apply some of the things I learned working for Janet Reno at the Department of Justice in their Justice Management Division in which they synthesize down what are the meaningful metrics, what makes sense, and what do you really need to know rather than all of the information. And I am not so sure.

Mr. CUELLAR. Yeah. And let me interrupt. And you are right. We are not looking for quantity. We are looking for quality and, quite honestly, some of those measures that some of your predecessors had were just measuring activity, no results oriented approach to it.

So whatever you can do to trim them down. We are more interested in results oriented measures instead of counting—John, Mr. Culberson, you know, like one of the first ones we talked about was

on terrorism. We asked the secretary of Homeland and we said, look, we spend billions of dollars. We said how many do you spend. He could not answer that because there is money coming in.

But the number one measure that you all had at performance. gov is are the stakeholders, and I am trying to quote, are the stakeholders that received intelligence reports that you all provide satisfied? I mean, how can we spend so much money on terrorism and your number one measure is are you happy with the reports that we give out. I mean, it is crazy.

So, I mean, as an example, that is what we are asking you as the new fresh face coming in to review those measures, get rid of the ones we do not understand, I mean, that really serve no purpose on that.

But, anyway, my time is up. And I want to just say I appreciate it. Welcome aboard. We look forward to working with you. And down there in south Texas, keep in mind work with your counterpart in Mexico because trade is so important to us. Find the right balance between security, professionalism.

And we have been talking to your predecessor about that. I will be asking about that. Secure the border but do not impede the trade and tourism which is so important to our economy.

Thank you so much and welcome.

Mr. KERLIKOWSKE. Thank you.

Mr. CARTER. Mr. Culberson.

Mr. CULBERSON. Thank you, Commissioner.

And I agree wholeheartedly with my friend, Mr. Cuellar, from the valley that we need the border secured but in a way that makes sure that that free and legal trade can go back and forth. He represents the largest inland port in the United States, but the key piece of that is, of course, to make sure that the laws are enforced.

And I know it was mentioned to you earlier the most important metric in my mind, I know in Henry's mind and Judge Carter's mind is the effectiveness of the enforcement of the existing laws. And the prosecution rates are just wildly different from sector to sector.

In Del Rio, you have got a 78 and half percent prosecution rate of those that are apprehended or have some consequence of some kind. And that is all that we are asking is to make sure that the—obviously you want the officers to use their good hearts and their good sense and distinguishing between little kids and women and somebody that is the same guy over and over and over or if they are smuggling something or they hit a policeman or whatever.

But the prosecution rate or given some consequence or existing laws that 78 percent in Del Rio, 37 percent in the Big Bend, and I think that is primarily because that country there is so rugged, hard to survive the snakes and the bobcats out there.

And then El Paso, you have got a 76 percent prosecution rate, 80 percent in Yuma, and then you go to the Rio Grande Valley right next door to Henry, only 8.2 percent. And they are pouring through. I mean, it just does not take rocket—it is not—and you all do spectacular work. Your law enforcement, you understand it. It is just not complicated.

The way to make sure that Laredo stays the number one inland port in the United States is that you have to have free trade moving back and forth across the border, that people are able to move people and goods legally, freely is to enforce the law.

And what, if I could ask you, what are you doing to make sure that we get this prosecution rate up in Henry's sector, in Laredo's at 30 percent?

That is better than it was, but I know a prosecution rate of only 30.2 percent, Henry, is not what you are looking for.

Henry's community strongly supports the zero tolerance policy, the Operation Streamline, which is so effective in keeping the streets safe and allowing for the free flow of people and goods.

What are you all doing? What is being done and what can this committee do to help you get those prosecution rates up, in particular in Laredo and the Rio Grande Valley?

Mr. KERLIKOWSKE. You know, I am not intimately familiar with the difference in the prosecution rate. I understand that the streamline process, I understand that there has to be a consequence for people. And I know that there have been a number of systems that have been put in place to repatriate someone back into Mexico from a different area so that they were not in a position to attempt to come back across the United States—

Mr. CULBERSON. Makes it more complicated, yeah.

Mr. KERLIKOWSKE [continuing]. Those kinds of things. I would engage and I will engage with the Department of Justice because it is those, of course, U.S. attorneys and the hiring freeze that has gone on I know in the Department of Justice. I have seen improvements when I continue to write every two years the counter-narcotics strategy for the southwest border.

I heard from local prosecutors at the state level their frustration that amounts of marijuana and literally a hundred pounds were not being prosecuted by the U.S. attorneys because they felt it was below a threshold.

Mr. CULBERSON. In what sector?

Mr. KERLIKOWSKE. And this was in Arizona. In particular when I was there, the U.S. attorney in Arizona changed that.

Mr. CULBERSON. How recently was that?

Mr. KERLIKOWSKE. This was when I first took office that the concerns of the local prosecutors—

Mr. CULBERSON. And this would have been what time frame?

Mr. KERLIKOWSKE [continuing]. Was brought up. 2009, 2010. It has changed.

Mr. CULBERSON. I am happy to yield.

Mr. CUELLAR. If you do not mind yielding.

Actually, it has happened at the Laredo office. I talked to the U.S. attorney and your folks have been frustrated because literally if you are a bad guy, all you have to do, and they have asked do not talk about this in public, but I will talk about it in public because—

Mr. CULBERSON. Because the bad guys know.

Mr. CUELLAR. Yeah, the bad guys know. But, I mean, all they have to do is come below a threshold and they know they will be let go or maybe the state will have to take over and they do not

have the resources. So it is a bad signal and it is happening in the Laredo sector. And I think it is wrong.

Mr. CULBERSON. Yeah.

Mr. CUELLAR. I have talked to Frank Wolf about this.

Mr. CULBERSON. Up and down the entire border. And, actually, if you would, just run the traps and check back with us.

Mr. KERLIKOWSKE. Sure.

Mr. CULBERSON. Chairman Carter I know is keenly interested in this as law enforcement. He was a judge in central Texas for many, many years. Law enforcement works every time.

And with a good heart and good sense, and the officer using their best judgment in the field and obviously prosecutorial discretion, but these prosecution rates are just wildly different and we would love to know what in your opinion we need to be doing both on the subcommittee that Henry and I serve on with the Commerce, Justice, Science, the Department of Justice, what we can do and what this subcommittee can do to help get those prosecution rates up where they need to be.

The chairman has been generous with his time. I want to ask you about these, but I will do that in my second round unless I have got a little more time.

Mr. CARTER. Mr. Owens.

Mr. CULBERSON. Okay. Thank you.

Mr. OWENS. Thank you, Mr. Chairman.

Thank you, Commissioner.

I would like to reorient you to the northern border. We focus a lot of our conversations on the southern border. But I hope you would agree that we have threats to the posts along the northern border, particularly from terrorist cells in Canada, and we need to be mindful of that in the process.

But before I go to my questions, I want to let you know that I had a great visit to the Port of Champlain on Friday to look at the ACE system. And I got a detailed and thorough education in that system. It looks like it is working well to me and it is something that we clearly need to stay focused on for purposes of expediting trade between both the United States and Canada, but also with Mexico as well.

One area that I do have some concerns about is some major impacts to the Plattsburgh Air Branch. Right after 9/11, as we understand it, there was anticipated increasing that branch to about 60 people. We are now drifting from 25 back to 10.

And I am curious as to how you believe you can achieve the mission of providing security with that few members of the air branch located in Plattsburgh.

Mr. KERLIKOWSKE. I mean, I am fortunate to have come into this job having five years in Buffalo and understanding certainly that northern border issue and then nine years in Seattle, so recognizing the very differences in the northern border.

So the things that have been explained to me, and I am happy to get back in more detail and happy to probe more fully with our air and marine branch, have been that the quality of the aircraft and the avionics involved allows them to fly less hours but to still be as—and oftentimes the avionics are greater expense than the plane itself.

So the equipment and technology has been improved. The fact of the use of unmanned aircraft is very helpful. But lastly I would tell you that, and I saw this in a police department, random patrol produces random results.

And so what the air branch was doing was flying randomly, was flying cold and without intelligence, without information. They have developed a system so that they are flying based upon what we did in a police department—putting cops on the dots, meaning the hot spots. They are flying in support of information, intelligence, the work that HSI and others have done, rather than flying randomly along the border.

Mr. OWENS. Are you convinced at this juncture that that type of activity gives you the kind of security that we need along the northern border, again relative to the issues that we know exist in Canada?

Mr. KERLIKOWSKE. Congressman, I am leaning toward that based upon the information. I have spent some time when we wrote the northern border strategy looking at the Aquasozni.

I have spent some time also in the Bakken in North Dakota and Montana, given that huge influx now of 100,000 new young workers. There are some problems, but I think my, you know, well over—almost 14 years on the northern border, I will continue to watch this and monitor this and I will continue to work with you and keep you informed.

Mr. OWENS. Thank you.

Another area that I want to discuss is we have a number of facilities that we are trying to, if you will, redevelop and maintain in terms of facilities at the border crossings. Now, these are in general constructed by GSA.

And I am curious as to what the level of your interaction is with GSA, particularly as it relates to the Messina Co location facility and also the Alex Bay Bridge and facility.

As you know, the Messina facility has some unusual issues because of some concerns of the Mohawk community in that region. And if this is not something you have available at this juncture, then it is fine to get back to me, but I would like to know what your level of interaction is and how supportive or not you are of these proposals, that it is not you particularly, but the department.

And also, you know, the President has put \$105 million into the Alex Bay in his budget to reconstruct that bridge and those facilities. So these are very important again because of the trade that it encourages and supports.

Mr. KERLIKOWSKE. I will just mention briefly because I am not familiar with those particular ports, but I can tell you that Mr. Tangherlini, the head of GSA, reached out to me shortly after my nomination to tell me that he looked forward to working with me, too, because we are a huge partner with GSA on all of these facilities.

And he very much wants to be helpful and very much wants to be supportive. And I have known Dan and I have known his reputation and I believe he will be a good partner.

Mr. OWENS. Thank you very much.

I yield back, Mr. Chairman.

Mr. CARTER. Thank you, Mr. Owens.

And I visited Alexander Bay and beautiful place. I have a brother-in-law from there.

Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. First of all, I would like to add my concern with regards to the crisis of unaccompanied children that are at our border.

My understanding is that 85 percent of the unaccompanied children are from Central America and that the primary reason according to the U.S. Council of Catholic Bishops and the Women's Refugee Commission is that parents are, in fact, trying to rescue their children and that these children are leaving to escape endemic violence including extortion, killing, and forced recruitment into street gangs which makes it all the more difficult in terms of how we are going to deal with these children.

One suggestion, and I have a bill to do this, is to place trained welfare professionals at border check points. And the bill which is the Child Trafficking Victims Protection Act would make it possible. I was asking the Department of Homeland Security to hire licensed social workers to oversee the proper care of children.

So I just wanted to throw that out since the chairman asked for some ideas and suggestions. And I hope that perhaps we could work with you and you could be supportive of that.

My first question has to do with the use of force at the border. As you know, since January 2010, at least 27 people have died as a result of encounters with the CBP and among those that were killed were minors, U.S. citizens, and individuals on the Mexican side of the border when CBP personnel opened fire.

Several months ago, the Arizona Republic released a series of reports finding that a number of the deaths were highly questionable and were inadequately investigated by DHS. Similarly, according to a police executive research forum report obtained by the LA Times, CBP showed a lack, and this is a quote from them, a lack of diligence in reviewing these incidents.

The question that I have is, why, as it is my understanding, has CBP refused to disclose the full report to Congress or to the public and if you could briefly explain to this committee and then later give a more detailed explanation in writing as to what is being done in response to each of the reports or recommendations?

Mr. KERLIKOWSKIE. I would tell you a couple things. Certainly there is a huge amount of things going on in CBP that I am totally unfamiliar with.

Use of force issues is actually something I know quite a bit about and have worked very hard not only in the month that I have been there but also during the briefing period.

The Border Patrol which is where the majority of the use of force issues occur has done a very good job most recently to release a number of reports including a report on how they—what are the parameters and their guidelines for use of force.

They are improving and working on very, very quickly improving their training not only at their academy but also standing up a use of Force Center of Excellence or information at their facility in Harpers Ferry.

And just recently, Chief Michael Fisher of the Border Patrol released a detailed memorandum to all Border Patrol personnel pro-



viding guidance. I am watching this very carefully. More certainly can be done and more will be done in this particular area.

When it comes to this release of a lot of information, I was pleased to see that occur. I was not particularly pleased that the PERF report which I have read was not released. That occurred before I came. I intend to revisit this with the Secretary and others and will certainly keep you advised.

Lastly, I would just mention that a law enforcement agency, which CBP is, cannot be trusted and credible and receive the information that it needs about smuggling and human trafficking and on and on if they are perceived as untrustworthy or not credible. And transparency in this area is the coin of the realm.

Ms. ROYBAL-ALLARD. One of the concerns in terms of being able to trust law enforcement as you just raised was the fact that even in those cases where there appeared to be a serious issue that no agent involved in any of these in any way faced any kind of discipline or any kind of consequences whatsoever.

And so do you have a response to that? Is it that the investigations have not been complete or, you know, why is that that absolutely no consequences whatsoever have taken place with regards to those involved in some of these incidences?

And, for example, let me just give you the seriousness of one. Back in December, it was reported by a 50-year-old woman from New Mexico that she endured an invasive six-hour body search at the University Medical Center of El Paso, that this was ordered by the CBP officer looking for drugs after the woman crossed the border in El Paso. And ultimately no drugs were found whatsoever.

So these are the kinds of stories that we are hearing that we really need to get more information about in order to develop that trust that you were talking about between law enforcement and this committee and others.

Mr. KERLIKOWSKE. Congresswoman, the system that exists is a difficult one right now. The Federal Bureau of Investigation, the Department of Homeland Security, Inspector General, and Immigration and Customs Enforcement, Homeland Security investigation all are involved in investigating these complaints. The difficulty for CBP has been that they are last in line for working on these issues.

As a police chief, I had to be held accountable for the use of force by 2,000 employees in the Seattle Police Department, but I also had the resources and, most importantly, I had the authority to investigate and hold our people accountable.

And right now the problem is more of a structural problem, but I would just also mention that I have met with the new inspector general who was recently confirmed. I will be meeting with the new general counsel and others and I very much—if you are going to hold me accountable for these things as you should, I am going to need the authority and the resources to do that.

Ms. ROYBAL-ALLARD. Also, DHS, as I understand it, continues to deport immigrant women including women who are pregnant late at night to Mexican border towns where crime is rampant. And women are sometimes dropped off at three a.m. when shelters for migrants do not open until nine a.m., you know, in the morning.

And because these women are frequently separated from their husbands, they are placed at risk of victimization by gangs and other criminal organizations, that many of these deported women have become victims of extortion, sexual assault, kidnaping, and trafficking.

My question is, will you look at this and would you consider implementing new policy to stop deportations to unsafe areas late at night and whenever possible prevent wives from being separated from their husbands?

Mr. KERLIKOWSKIE. Those reviews are already underway, particularly not placing a person back in harm's way late at night, early in the morning.

Ms. ROYBAL-ALLARD. And do you know when those reviews will be completed?

Mr. KERLIKOWSKIE. I have already participated in several meetings with Assistant Secretary Bersin and the Deputy Secretary. And we, of course, have to work closely with our counterparts in Mexico so that there is a safe location and a safe time for that repatriation to occur. I will be happy to keep you advised of this.

Ms. ROYBAL-ALLARD. Okay. Well, the sooner the better in terms of the time line for resolving this. Okay. Thank you so much.

Mr. CARTER. Thank you, Ms. Roybal-Allard.

We are joined by the full chairman of the committee, Mr. Rogers, and I at this time would yield to Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

Let me defer a few minutes while I make my notes, and thank you.

Mr. CARTER. All right. Then I will proceed forward.

First I want to ask you a question and then I have got some more stuff.

As a police chief, how would your morale have been among your officers if as they went out and enforced the laws on the books and captured criminals and brought them to jail if the prosecutor refused to prosecute those criminals by the laws that were set out in the books? What kind of morale would your police officers have had?

Mr. KERLIKOWSKIE. The morale of those officers would be shaken and they would not be happy. That said, a number of determinations are made at the officer level, at the supervisor level, and other levels to use alternatives because we knew we were not going to arrest our way out of the kinds of problems that law enforcement could handle.

Mr. CARTER. Okay. I will accept that answer, although I disagree with it. But let me change the subject here.

After a great deal of fact finding and discussion, Congress sanctioned the CBP decision to open the pre-clearance facility in Abu Dhabi, United Arab Emirates on the grounds that it met critical national security and foreign missions. Operations began in February.

Since that time, CBP has processed thousands of passengers. Tell us about what you have learned in terms of national security and intelligence, how many flights and passengers have been processed, and how many passengers are on the watch list or carried fraudulent documents, how many were inadmissible, and what is the cost

avoidance to the travel industry, and does the passenger process flow, baggage and baggage inspection process give you any security concerns, and have the agriculture CBP officers intercepted any insects or pests that can cause harm to American agriculture.

Mr. KERLIKOWSKE. We are in our 68th day of pre-clearance at that facility. Over 50,000 passengers have been screened. Over 60 have been denied boarding for a variety of reasons including fraudulent documents. I believe 338 have had additional backgrounds or screening but were allowed to continue on.

And when it comes to the pests and the problems, Khapra beetles, live Khapra beetles which I am told but do not understand exactly how they create a problem, but a significant problem, have been identified. So I think that from a host of security and cost benefit reasons, pre-clearance is proving itself.

Mr. CARTER. As pre-clearance was debated last year, two industry concerns were, one, that additional overseas locations will reduce the number of CBP officers at U.S. gateway airports of entry and, two, that the cost of pre-clearance operations was too high for the U.S. taxpayers to pay.

How many officers were deployed to Abu Dhabi and has the deployment reduced the ranks of officers here in the United States? What impact has the pre-clearance operation had on wait times where pre-clearance flights land? Has the taxpayer incurred additional cost to CBPOs to Abu Dhabi?

Mr. KERLIKOWSKE. Mr. Chairman, some of this I actually do not have the details. I would tell you a couple things. About 85 percent of the salary and benefits that these customs officials, the CBPOs are paid are paid for by the United Arab Emirates.

So I think that is a help. If there are less people in line coming into other airports, we can deploy some people not only to fill those new existing pre-clearance, but we can also hire additional people because of that income coming in.

So I think there are benefits. I know the concerns that have been raised by the industry, the American flag carriers. I am well aware of it and I know that any future pre-clearance recommendations or decisions will not be made without consultation with Congress.

Mr. CARTER. We established trying to push out our pre-clearance as a policy of this department many years ago. We have not been real successful in that general theater of Africa and Europe with the exception, I believe, of Shannon Airport in Ireland.

So U.S. carriers have invested substantial sums in European hubs that may see a reduction in flights coming from Africa and central Asia as a result of pre-clearance operations in Abu Dhabi.

Are pre-clearance operations in Europe a possibility under the current limitations contained in fiscal year 2014 bill? What are the practical challenges for opening a pre-clearance facility in Europe?

Mr. KERLIKOWSKE. Each pre-clearance facility requires a huge amount of discussion because, I mean, when I look at EU privacy laws in particular which may be very different from some of the countries that we are talking about, the rights and responsibilities of our personnel that are assigned to those locations, what authorities do they have, is there indemnification, on and on.

But I think that I am very much in agreement with your statement that pushing the borders out makes a lot of sense. Each one

of these discussions with a particular country, and we have had offers from other countries, each one can be very complex and, frankly, it can be time consuming.

Mr. CARTER. Various modifications have been talked about and the current limitations that have been proposed by industry including that one that prohibits pre-clearance at additional locations unless U.S. passenger air carriers operate at least 30 percent of the total nonstop passenger departures from the U.S. in a 36-month period.

Does CBP have plans to expand pre-clearance in other locations that would provide a homeland or national security benefit? If so, where and would this language prohibit those operations?

Mr. KERLIKOWSKE. I believe we will continue the discussions. I actually do not know what countries have offered or what the exact status is of some of these discussions. But I am happy to keep you informed about where we are headed and what has been going on with this. I just do not know enough about this. I have kind of reached my capacity.

Mr. CARTER. And do you think this 30 percent rule that would say 30 percent of the total nonstop passenger departures would have to be within the last 36 months be a requirement before you could even discuss the issue?

Mr. KERLIKOWSKE. I think the goal, certainly the goal has been for safety and security, not letting somebody get on that flight that we do not want coming into the country at all and perhaps creating a danger.

I do not know enough about the 30 percent requirement. I understand very clearly from the airline industry, you know, the importance to their economy of this issue. And I am meeting and have met and will continue to meet with representatives. I could not give you a determination on the 30 percent right now.

Mr. CARTER. Okay. Mr. Price.

Mr. PRICE. Mr. Chairman, let me just continue this line of questioning just for a moment.

Clearly the 30 percent requirement that some are proposing would be far, far more restrictive than the requirement that was inserted into the 2014 bill that the pre-clearance operations in the future only be established at foreign airports at which U.S. airlines already operate. That 30 percent requirement is a large leap beyond that.

I think we understand the benefit of pre-clearance for U.S. airlines and we want them to fully participate in this. But that is not the only thing we are talking about here. And I would like to give you a chance to elaborate a bit more systematically on what the rationale for this is in the first place and why a port of entry like Abu Dhabi is quite important, especially important in terms of the security concerns that we are dealing with here and also any kind of economic benefits that you might want to talk about, you know, beyond the direct benefit to our own carriers.

Mr. KERLIKOWSKE. Congressman Price, there are certainly some economic benefits when someone has been pre-cleared and the plane lands and they are no longer in those lines at these different airports. So it speeds up some of that.

When people are denied becoming a passenger, it saves the airline money because if they are denied entry upon arrival into the United States—

Mr. PRICE. And just to interrupt you, you are saying that already in two months, 60 have been denied in Abu Dhabi?

Mr. KERLIKOWSKE. Yes.

Mr. PRICE. That is 60 people that do not have to be dealt with here, do not have to be sent back, whatever we would do with them.

Mr. KERLIKOWSKE. And that seat can be taken up by 60 people who can come into the United States and essentially can spend money. So I think the pre-clearance issue from a security standpoint, I would just say very generally that intelligence reports over the years about people that may pose a threat to the United States, that there are these locations where it is to our benefit to do pre-clearance versus other locations.

Mr. PRICE. Thank you.

Let me shift to CBP officer staffing. The fiscal 2014 appropriations bill included \$256 million to hire an additional 2,000 CBP officers at the ports of entry. I know you are in the process of getting all of those new hires through the pipeline by the end of fiscal 2015.

The 2015 budget proposes increases in fee revenue that would support the hiring of more than 2,000 additional CBP officers beginning in fiscal 2016.

I wonder if you could give us some perspective on this. Where do these numbers come from? What are the basics of the CBP's workload staffing model? How does the agency use it to determine staffing requirements at ports of entry?

If the proposed fee increases were to be authorized, how close would that bring you? How close would that bring CBP's office of field operations to its optimal staffing level?

The staffing model is a dynamic modeling tool based on CBP processes, the volume of passengers, commerce flowing through these ports of entry, but the model is always a work in progress, I gather.

Is there any chance that by the time you begin hiring the new officers associated with the fee increases, the model might suggest a different staffing requirement?

I guess we need to face the fact and you do, too, that the staffing enhancements maybe have to be based on discretionary appropriations just given the circumstances we are facing with the proposed fee increases.

That 2014 increase was supposed to be funded by fee increases. Ultimately it was funded through discretionary appropriations. So we are going to have to draw on appropriations in the future most likely to provide for additional officers. And given the tight environment, it is hard to see where those dollars come from, discretionary dollars.

So let me ask you this. What would the impacts on port operations likely be in 2016 if the user fee proposals are not enacted? If we cannot deal with it in some way, what kind of wait times are we going to be dealing with? What do you anticipate?

Mr. KERLIKOWSKE. I think you very much hit the nail on the head in a number of the points that you just made. So the study that was done that was outsourced was widely received and very much understood and accepted by all of the different stakeholders. It identified a total of 3,800.

That being said, it was based upon data from the past. We have seen a six percent increase recently in travel. We have seen a percentage increase in cargo coming in. We know with the widening of the Panama Canal, we know with the new ships that are coming through with up to 18,000 20-foot equivalent containers that being able to staff the ports of entry and get cargo and passengers through is important.

But we also know from the University of Southern California program in their Center of Excellence, I believe it is called CREATE, that these additional people, by reducing wait times for cargo and wait times for passengers also help to create American jobs and to improve our economy because these wait times cost us all money and time, cargo that spoils, and we cannot afford, of course, to have something come in that could be dangerous or hazardous. It is a balance.

Mr. PRICE. Could I just ask you to provide for the record as precise an account as you can manage based on the staffing model, based on your available information of the consequences I referenced, the kind of impact on port operations in 2016 and beyond if we do not enhance staffing in the way you are proposing with or without user fees? In other words, if you can give us wait times or other measures of impact, I think that will be a great contribution to our discussion.

Mr. KERLIKOWSKE. I will do it.

Mr. PRICE. Thank you.

Mr. CARTER. Now I recognize the chairman of the full Appropriations Committee, Mr. Rogers, for his questions.

Welcome, Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman. Thank you for accommodating me.

Mr. Commissioner, good to see you. We last saw you when you were the drug czar in the White House and you did a bang-up job over there as I am sure you are and will here.

I fondly remember the times we have spent in my district on the drug problems that you were so gracious to help us with. So thank you for your continued public service. You are a credit to our profession of public service.

Let me quickly follow up what my friend from North Carolina was talking about. The Miami Airport, the world's busiest cargo airport, desperate for more agents, people coming in having to wait hours to be processed in that sort of a crossroads of at least the Caribbean and the southern hemisphere.

What can you tell us about the possibilities of getting some extra help at that airport?

Mr. KERLIKOWSKE. Mr. Chairman, it is good to be with you. And I spent some time prior to confirmation when we took a group of foreign visitors to Florida in November and having some time to also tour the Miami Airport.

The number of additional flights and these significant increases in not only cargo, as you mentioned, but also passengers as a result of Central and South American flights is important.

Florida has and is receiving under this appropriation of 2,000 new additional CBPOs a significant number not only in Miami but in several others. And, again, it is based upon the workload model and the wait times. So I think we are very happy with that.

And in one month, I think I have tried to impress you with how much knowledge I am gaining quickly on things like cargo and travel and trade that I knew very little about.

Mr. ROGERS. Well, I am sure you will quickly get up to speed.

In your former role, you and I dealt extensively with the prescription drug abuse, the epidemic as CDC says that is crippling the country, the reality, of course, that it is an opioid epidemic.

As we implement policies at the federal and state levels that make it more difficult to obtain these prescription painkillers for illicit use and abuse, people are unfortunately now turning to heroin.

DEA has indicated that the average street cost per milligram of opioid across the country is a dollar a milligram. But in some areas, it costs as much as \$2.00. And from a purely economic perspective, it is not surprising that users and abusers would rather pay \$10 for a bag of heroin than \$140 for an equivalent amount of Oxycodone.

So it should come as no surprise to any of us that the drug cartels in Mexico and South America are seizing on this uptick in U.S. demand for heroin and also as no surprise, your job to protect our border from an influx of these drugs is all the more important.

And, yet, department-wide, DHS has proposed big cuts to its operations accounts that will have a measurable impact on the drug interdiction capabilities.

For example, the Coast Guard budget decimates operational flying hours by proposing to retire aircraft, cut flying hours for the new HC144 aircraft by 16 percent. That would lead to the lowest target for removal of cocaine and interdiction of migrants in five years.

And without fail, each year, the budget request from CBP proposes a reduction in the office and Air and Marines flight hours. They are critical to your mission to detect, interdict, and prevent the unlawful movement of these drugs across our borders and yet, the budget would reduce flight hours by over 30 percent in 2015.

Probably more than anyone who has sat in your seat before you, Commissioner Kerlikowske, you understand the havoc that these drugs are reeking on our communities.

Last month, the attorney general declared the rise of heroin abuse as "an urgent public health crisis."

Now, I understand you are defending a budget you did not necessarily craft, but how can you justify those types of reductions given what we are facing?

Mr. KERLIKOWSKE. So a couple things I think are important from my standpoint. One is that I certainly did not leave my roots from drug policy. I have changed perspective a little bit. But as you well know, the majority of the heroin that enters the United States enters through Mexico.

Our ability to detect heroin because it comes in smaller amounts is limited and many of the times that the heroin is detected through the use of a K-9 has been helpful, but still it is a difficult drug to interdict coming across the ports. And that is the majority of the heroin issue.

I would tell you that we need to improve in our areas of information sharing with the government of Mexico and the relationship continues to be a good one with the Drug Enforcement Administration, particularly at the El Paso Intelligence Center.

And that is the majority of the heroin transiting into the country across our land border. Very little comes in any other way. Pangas and others are used to transport large amounts of cocaine, large amounts of marijuana.

Air and Marine has explained to me that the reduction in air hours, particularly along the northern border, is because they will be flying with, one, better avionics and, two, they will be flying a more precise pattern in support of intelligence driven information.

Along the southern border, we now have a number of unmanned aircraft and we have a number of Tethered Aerostats that are coming back into this country from the DoD draw-down in Afghanistan. Those Tethered Aerostats are particularly helpful when it comes to detecting the ultralights. But I would tell you that even with detecting the ultralights, we still need resources then to respond quickly when the ultralight is detected.

Part of those resources, by the way, will be improving our relationship with state and local governments. And I have really seen with the Texas Department of Public Safety and Commissioner McCraw a robust relationship to support the work that CBP is doing.

Mr. ROGERS. Well, according to the information I am referring to and reading, studying, as it has been more difficult to get Mexican heroin across, they have reverted to the old traditional Caribbean routes to get the heroin from South America into the U.S.

In fact, heroin from South America, much of which is shipped from the Caribbean, has become the most dominant form of heroin in the U.S. according to DEA. Traffickers are transporting Colombian heroin to Puerto Rico for onward shipment to Miami, New York, and Houston.

In fact, Marine Corps General John Kelly, the head of our military forces at SOCOM, says "It is massive, cheap, very powerful. It is not your grandfather's heroin."

At a March 13th Senate Armed Forces Committee hearing, he said that up to 80 percent of drug shipments transiting the Caribbean reached their U.S. destination.

General Kelly says, "I simply sit and watch it go by." He has only one navy ship, two Coast Guard vessels dedicated to anti-drug patrols.

He said to fulfill our government's goal of interdicting 40 percent of drugs coming through the Caribbean, he would need 16 ships upon which helicopters could land. He said, "It is almost a scientific equation. More assets, more tonnage of seized drugs."

Do you agree with that assessment of his?



Mr. KERLIKOWSKIE. You know, I am a big fan and a big supporter, frankly, of General Kelly. And during my time that I had to work with him at SOUTHCOM, I found him to be a great partner.

I know that the GAO is continuing to do a study right now on assets in the Caribbean. We have seen a change in the flows in two ways. One is that drugs transiting the Caribbean are also headed for Africa, Spain, and the EU.

When it does reach Puerto Rico and CBP does have—and Secretary Napolitano was very engaged—and I have Puerto Rico on my list to visit within the next month, was very engaged in increasing in any way possible DHS capabilities, CBP capabilities in Puerto Rico also because then it is easier to get into the United States.

But I would also tell you that any of the maritime shipments involving heroin, oftentimes may be in the littorals hugging the coast, but then go, because it is so difficult to get into the United States, they go into Mexico and then from Mexico, it is transited across that land border.

So we are facing a significant issue in heroin, as you well know, Mr. Chairman. And I will do everything possible with the resources that CBP has to interdict that.

Mr. ROGERS. And I am sure you will. My argument is not with your administration, your agency, or the funding. It is the administration above you cutting of funds in this very vital area.

I mean, the budget request does not include funds for air and marines P3 long-range patrol aircraft despite an articulated requirement for 14. Currently nine aircraft have been delivered. Two are scheduled for delivery in fiscal 2014.

What kind of capability do those P3s bring to your mission?

Mr. KERLIKOWSKIE. The P3s, and I have flown in them out of Homestead several years, the P3s bring an unparalleled capability. Over water interdiction is increased dramatically with the P3s, but two things have happened.

One is that almost all of these P3s have been refurbished except for two of the 14. The program is actually ahead of schedule and under budget and refurbishing is not, I am sure, the correct term, but it is completely almost remaking those air frames.

So it is ahead of schedule and under budget. And, frankly, we could do the final two air frames with existing money if approved by Congress, that we could reprogram about \$12 million to finish up the final two. All 14 then would have gone through the program to be improved.

Mr. ROGERS. Are all the ones that you have now in operation?

Mr. KERLIKOWSKIE. I do not know.

Mr. ROGERS. Yeah. Okay. Well, the cuts in funds for these vital pieces of equipment are shocking, the cuts to air and marine by \$96 million, decreasing procurement by \$73 million, cuts to operation and maintenance by \$29 million, flying hours reduced from 107,000 to 73,000, and I could go on.

As I said, I know that you are defending a budget that you did not write and my guess is did not request. Nevertheless you are stuck with it. And this committee wants to be helpful to you and your mission.

So if you will understand, we may have the desire to amend your budget considerably to try to help you achieve your mission. And I know you cannot comment on how much of this you requested and did not request, but my guess is—I mean, I think I know where you are.

Thank you, Mr. Chairman.

Mr. CARTER. Mr. Cuellar.

Mr. CUELLAR. Mr. Chairman, talking about pre-clearance, I appreciate the work that you all are doing on the pre-clearance. We have Mexican officials at the Laredo Airport. I know we are still waiting for the other side on that, but I ask you to just keep working on that on the Mexican side, number one.

Number two, I would ask you also to help streamline getting some of the equipment that are coming back from Afghanistan, from the military, their surplus. I know the Aerostats, we got them there.

I know for a while, and I am sure your folks did not mean to, but they said they—I said, well, how fast can you move. They said, well, we have got to test them to see if they work. Well, with all due respect, they worked for the military. I think they should work for Homeland.

So if you can streamline that process. I know it is a cost. You might get them for free, but there is a cost for running. I understand that, but let us know how we can help you.

I know the Aerostats in south Texas have been very helpful. I got one of them in my district and other places. So any sort of equipment that we can work with you and you can streamline, I would appreciate it.

The other thing I would ask you to do on the southern border is, and I know that you are all engaged with the Mexicans, but if you all could work, and I know there is a high level group working with the Vice President, I understand that, but if you can set up a group, a working group to work with the Mexicans on finding joint threats for both. And I know that you all are doing that, but if you can enhance that, join operations together. I know you are doing that, but enhance that, even joint port investments infrastructure.

I think I mentioned to you I was with Alejandro Chacon, the Mexican customs official, and he told me what they are doing on the other side. And I do not know if you all are coordinated on not only infrastructure but operations also.

But I would ask you to consider looking at that joint group with the Mexicans because, you know, trade is extremely important to us.

We know, you know, as the chairman was saying a few minutes ago, the cocaine that comes in might start off in Colombia, but it comes through our southern border, is real. So I would ask you to look at that joint group, ask you to look at that joint working group with the Mexicans. And any way we can help you on those aspects, I would ask you to do that.

Mr. KERLIKOWSKIE. I will be in Mexico next week. I am meeting with Mr. Chacon. He was very gracious to reach out to me with a phone call very quickly. And so I certainly will make sure that we are doing everything we can on the joint patrols, on the work on customs issues, on and on.

Mr. CUELLAR. Could I ask, and I do not know if this would be classified, but maybe after you meet and then if you can get back to us. I would like to see what you all are doing on joint operations, joint threats, you know, identifying those joint threats because, again, I live on the border, just a few miles away from the border. So I drink the water, breathe the air, so I am very familiar with it.

And, by the way, as it was said a few minutes ago, Laredo is an example, 3.3 murders per 100,000, Washington, D.C. almost 15 murders per 100,000. So it is a lot more dangerous here where we are today.

I told that to a couple of ex-generals about doing reports and being careful how they do those reports, but I would ask you to, if you can get back to us on some specifics and see how we can help address some of those issues, whether it is classified or whatever you want to do it, I would ask you to after you come back and address those joint issues that we talked about.

Mr. KERLIKOWSKE. I will do it.

Mr. CUELLAR. Look forward to working with you.

I yield back the balance of my time, Mr. Chairman. Thank you for having this meeting.

Mr. CARTER. Thank you, Mr. Cuellar.

And I want to give out some credit to the local law enforcement for keeping that crime rate down too. You have got some great people working there including your brother.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Mr. Commissioner, it is good to see you this morning. I apologize for my delay. We have appropriation subcommittee hearings running concurrently with this, so we are kind of moving back and forth, but it is great to see you, sir.

Mr. KERLIKOWSKE. Thank you.

Mr. FLEISCHMANN. Mr. Commissioner, as you stated during your confirmation hearings, the goals of security and facilitation can and should be mutually reinforcing. Despite CBP's worthy efforts, many of the other agencies that regulate imports hold CBP back from providing good predictability and consistency.

This committee has noted that concerns that the promise of expediting lower risk cargo through the programs has not been fully realized largely because of safety inspections by other agencies.

How can we get other agencies to commit to facilitating legal commerce? What tools do CBP and other agencies need to achieve meaningful trade facilitation, sir?

Mr. KERLIKOWSKE. Thank you.

I am fortunate coming into this job of having spent five years in the drug czar's office. The \$26 billion drug budget in the United States exists in a variety, essentially 15 different locations.

And the only way that the President's goals on drug issues are achieved is by bringing all of those people to the table, working with them, having them agree to some mutual goals. And we were, I think, in many ways successful.

I would use the same relationships and the same tactics with the over—because CBP enforces the law for over 40 federal agencies.

A number of those have hold and release authority, but they also do not have the level of staffing.

So, for example, if cargo comes into Detroit on Friday and it needs to be inspected by the Food and Drug Administration, they may not have a person on duty until Monday. That means that cargo exactly as you said is waiting.

But I am seeing some real progress. I took it early on to meet with Dr. Hamburg at the FDA to see where we could be, because CBP has a lot of people, where we could be more knowledgeable and perhaps more helpful to these other agencies.

I could tell you in south Texas, I saw a great example where USDA had given additional training and additional technology to our agriculture inspectors at the port. And in turn, because of that training and technology, they had authorized some additional authority to those agriculture inspectors to act on behalf of USDA and to make a decision to release cargo.

I think that same kind of template can be used with some of our other federal partners and I am going to explore that very aggressively.

Mr. FLEISCHMANN. Thank you, sir.

New technologies are being developed every day that could significantly improve trade facilitation and security, specifically technologies that provide for better tracking and security of hazardous or sensitive cargo.

What is the agency doing to explore and investigate emerging technologies, determine their feasibility for use by CBP, and incentivize their use in the commercial shipping industry?

Mr. KERLIKOWSKIE. The relationship with the Department of Homeland Security Science and Technology, the former director, Tara O'Toole, Dr. O'Toole, but also a new incoming director is important. A relationship with DoD technology and resources is also very helpful.

DHS is opening up a biometric test center in Maryland and there is also work underway. In the budget, we also have money to improve the technology of our non-intrusive inspection devices, some of which are now becoming old and dated. That means that if we improve that technology and refurbish those pieces of equipment, we will be able to use that to get cargo through more expeditiously.

Mr. FLEISCHMANN. Mr. Chairman, how is my time, sir?

Mr. CARTER. If you have a short question, I will allow it.

Mr. FLEISCHMANN. It is fairly lengthy. Mr. Chairman, I will yield back in the interest of time.

Thank you, Mr. Commissioner.

Mr. CARTER. Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. I just have one final question.

Police departments, as you know, across the country have found that using video cameras including small cameras placed on the lapels of officer uniforms can reduce the number of complaints filed against officers and the number of incidents in which officers use force against suspects. And footage from video cameras can also help officers to defend themselves against baseless allegations of abuse.

Last September, the CBP announced it would pilot the use of cameras by CBP personnel. Can you give us an update on what is

happening with the pilot program including where, when, and how it will be conducted?

Mr. KERLIKOWSKE. I can. I implemented video cameras in every police car in Seattle and later GPS tracking. We found that with the video cameras in particular and the audio, it worked far more to the officers' advantage when there were complaints that came forward.

The improvements or the changes that are going on on these lapel-based cameras, there is a lot of technology still being developed in that area whereas the cameras in the cars have been around for quite a while.

CBP, the Border Patrol in particular, is exploring it. A couple of things to keep in mind. One is that in the environment that the Border Patrol works in, whether it is Grand Forks, North Dakota with 18 inches of snow or the heat of the southwest border, we have to make sure that the equipment can withstand those kinds of things.

Then there is an issue of data storage and there is also an issue of privacy. Is the camera on when the person is talking to a person who is the victim of violence or sexual assault and how do we make sure those confidentiality and those privacy issues are controlled and accounted for?

So they are exploring it. They are looking at the equipment now. And I will be happy to give you feedback as that program continues forward.

Ms. ROYBAL-ALLARD. Thank you. I appreciate that.

I yield back.

Mr. CARTER. I am going to have one more question here just because you mentioned it. Commissioner, as you know, the secretary has instituted new administratively uncontrollable overtime policies, AUO, across the department, policies which CBP is not immune to.

While these policies do not suspend AUO to law enforcement officers which include Border Patrol agents, they do apply to those at headquarters among other positions.

What impact, if any, has the changes in AUO policy had on operations in the field to both agents and mission support?

Border Patrol in particular claims a high amount of AUO. Fiscal year 2013, of the 21,370 Border Patrol agents, 21,225 claimed AUO.

Is AUO the appropriate way for CBP to pay their agents and has CBP considered whether law enforcement ability to pay or other pay reform programs may be appropriate for the Border Patrol?

Mr. KERLIKOWSKE. The pay issue is a concern, of great concern to the people that I have met with, whether it is in the field, even though that is continuing on, because it is administratively uncontrolled and it was designed for that way. When a Border Patrol agent most likely would encounter something late at the end of the day and need to follow-up, they couldn't just drop what they were doing. It has existed for a number of decades.

It is also very clear from the Office of Special Counsel that it was put in place exactly for those reasons whereas over a number of decades, it has changed. So fixing the problem in a way that meets all of our contractual obligations, monetary fiscal stewardness.

I would also tell you that overtime that people do work can also be paid under FLSA and under another mechanism. But it is something that is in the back of all of their minds and I am committed to working with all of these partners to fix it.

Mr. CARTER. Well, it is a complicated problem, but it also is bad PR when people look at that kind of number.

Mr. KERLIKOWSKE. I know.

Mr. CARTER. Commissioner, as a final wrap-up here, you will have no problems with me if we follow one basic rule, enforce the laws that exist rather than how it could be enacted.

Today's hearing is not about ICE or how it enforces immigration law inside the United States. But an article published in Monday's Hill Magazine reported that ICE released 67,000 criminal aliens last year. That assertion needs to be addressed because the report cited in the story calls into question whether immigration law is being enforced.

I asked the staff to investigate the assertions and what we learned is far more complicated than reported. Many of the people were not in the country legally and had previous arrests but had served out their sentences. Since then, they have gained status as legal permanent residents or even American citizens.

The stories like this one and policies like those we discussed today take on a life of their own when people doubt the law of the land is being enforced, are being watered down, or being replaced via administrative feat.

So, Commissioner, my suggestion to you and the men and women of CBP is to enforce the law. Following that basic rule of thumb would be simply your life.

Thank you for being here.

Mr. KERLIKOWSKE. Thank you.

Mr. CARTER. We will work together this following year to get all this worked out.

Mr. KERLIKOWSKE. Thank you.

Mr. CARTER. Thank you.

Bang the gavel. You know, in 20 years on the bench, I only banged it twice.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE John Carter**

**R. Gil Kerlikowske, Commissioner**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 U.S. Customs and Border Protection Budget Request

April 2, 2014

**Border Surveillance Investments**

**Question:** The Department requested \$89.45 million for new border surveillance technology, including the RVSS and MVSS, to be deployed in RGV. Can you describe the operational impacts this investment will bring? How will these additional assets increase Border Patrol's situational awareness in RGV specifically? What is the timeline of acquisition and deployment? Past investments in technology along the Southwest border suffered from extensive contract delays, holding up the deployment of technology that provides critical support to frontline agents. How do you plan to ensure this investment does not face the same delays and hindrances as past technology investments?

**ANSWER:** The funding will allow U.S. Customs and Border Protection's (CBP) Remote Video Surveillance System (RVSS) Upgrade Program to initiate the deployment of improved infrastructure for the RVSS capability to eight Areas of Responsibility within the Rio Grande Valley Sector (RGV). Deployment of the required command and control rooms and Station communication towers will occur in Fiscal Year (FY) 2015 and FY 2016. Prior to deployment, up-front planning will need to be completed. This planning includes finalizing tower locations, analyzing any obstructions to camera fields of view, conducting site visits, completing environmental assessments, and acquiring real estate.

Increased capability will be introduced to the RGV sector through the deployment of Mobile Video Surveillance Systems (MVSS). The replacement of 15 systems that are at the end of their lifecycle and the enhancement of 28 systems will allow the MVSS program to meet the Office of Border Patrol's MVSS request for the RGV. Prior to this enhancement, the MVSS program was only funded to support four MVSS units in the RGV sector. The MVSS is the preferred mobile solution to be deployed in the South Texas Corridor.

The RVSS and MVSS systems have been proven effective through many years of use across the Southwest border. The RVSS cameras are fixed and allow the Border Patrol to continuously monitor high traffic areas from a remote location, enhancing agent effectiveness and safety as well as providing a visible deterrent to potential border incursions. The MVSS system is mobile and provides a long-range video surveillance capability that can move in response to changes in the threat environment. In general, video systems allow the Border Patrol to surveil large areas with fewer numbers of agents, freeing other agents to focus on patrols and apprehensions. In addition, the information collected by the video systems allows operators to advise responding agents about the nature of the threat—for example, whether the individuals observed appear to be armed or not.

U.S. Border Patrol Station Command and Control Center (C2) room modifications and station communication tower construction are a necessary first step which is required before the RVSS Upgrade sensor tower construction and technology deployment can be executed. Upon completion of C2 upgrades and station towers, follow-on RVSS deployments will provide persistent surveillance capabilities for McAllen, Weslaco, and Rio

Grande City where none currently exists. The remaining RGV stations will also receive RVSS technology upgrades which will expand the current levels of surveillance.

Each MVSS will provide a day/night surveillance capability that can be deployed on Border Patrol 4x4 vehicles wherever they can safely maneuver. The MVSS will be deployed to provide surveillance when intelligence indicators signal that Items of Interest are in or approaching an area. In addition, the MVSS will augment fixed surveillance systems that have line-of-sight (LoS) coverage gaps caused by existing infrastructure, terrain, or vegetation.

The RVSS Upgrade technology acquisition for RGV is within scope of the current RVSS Upgrade technology contract. The program has already commenced the process to obtain environmental clearances and real estate acquisitions for field tower sites. Projected completion of those activities in FY 2016 will pave the way for field tower construction to start in FY 2017 and technology deployment in FY 2018. C2 modifications and station tower construction activities at the Border Patrol Stations are projected to start in FY 2015.

The MVSS contract award is scheduled for July 2014. CBP plans to complete systems testing in April 2015 and initiate orders for additional systems/units that should be delivered in 1<sup>st</sup>-2<sup>nd</sup> Quarter FY 2016. Deployments to RGV will immediately follow delivery and acceptance activities.

The source selection activities required to award a contract have been one of the key factors delaying the acquisition and deployment of technology. The current RVSS upgrade technology contract has already been awarded and the scope includes options to deploy technology in RGV thus eliminating the dependency on the acquisition timeline. The MVSS contract is in the final stages of contract award and projected to be awarded in July 2014.

Another key factor in delaying deployments of technologies is the dependence on completing all environmental clearances and real estate transactions to enable the construction of towers and facilities. While the actual timeline is not definitive, the planning effort is already underway in RGV for real estate acquisitions and environmental assessments in coordination with stakeholders to minimize the time and greatly assist in addressing any issues that may impact the deployment activities. CBP has already engaged the U.S. Army Corps of Engineers and our Federal Aviation Administration partners to commence the planning on a number of infrastructure projects (Border Patrol Station Command and Control rooms, System Equipment rooms, Station Towers, etc.).

### **Unaccompanied Alien Children**

**Question:** What are the reasons for why these children are coming to the United States unaccompanied?

**ANSWER:** Many of the children being apprehended at the border are fleeing unspeakable violence and poor economic conditions in their home countries, primarily Honduras, El Salvador, and Guatemala. Others have been lured by false promises that if they can survive the dangerous journey, they will be reunited with their family members and allowed to remain in the United States.

**Question:** Do any Administration policies contribute to the pull?

**ANSWER:** The U.S. Government's Deferred Action for Childhood Arrivals program, also called "DACA," does not apply to a child who crosses the U.S. border illegally today, tomorrow, or yesterday. To be eligible for DACA, a child must have been in the United States prior to June 15, 2007—7 years ago.

Also, the Senate passed immigration reform legislation provides for an earned path to citizenship, but only for certain people who came into this country on or before December 31, 2011—2-1/2 years ago. There is no path to deferred action nor is there an earned path to citizenship for a child who crosses our border illegally today.



Rather, under current U.S. laws and policies, anyone who is apprehended crossing our border illegally is a priority for deportation, regardless of age.

**Question:** Do the children eligible for Deferred Action for Childhood Arrivals?

**ANSWER: No.** The UAC currently coming to the United States are not eligible for Deferred Action for Childhood Arrivals. On June 15, 2012, the Secretary of Homeland Security announced that certain individuals who came to the United States as children and met certain criteria could request deferred action. The applicable criteria included a requirement that the individual be physically present in the United States as of June 15, 2012, and have continuously resided in the United States for at least 5 years since June 15, 2007.

**Question:** What percentage of these children are reunited with their parents, or other family guardians or sponsors?

**ANSWER:** The *Homeland Security Act of 2002* transferred the responsibilities for the care of unaccompanied children to the Department of Health and Human Services (HHS). This authority includes the ability to make and implement placement determinations for unaccompanied children. As such, DHS cannot provide the statistic requested and respectfully defers to HHS, Office of Refugee Resettlement.

**Question:** What level of funding was included in the fiscal year 2015 request to pay for the costs associated with processing these children? Please provide the amount by account and PPA.

**ANSWER:** The FY 2015 President's Budget planned for 59,000 UACs at no more than the statutorily authorized 72 hour CBP holding time for a base amount of \$203 million. These funds are in the Salaries and Expenses appropriation in the Border Security and Control PPA.

#### **Air and Marine Operations Center**

**Question:** The AMOC's role is to provide detection, monitoring, sorting, tracking, and coordination of law enforcement's response to suspect airborne and maritime activity at, beyond, and internal to our nation's borders. Among a host of operational activity, the center has been used to conduct Unmanned Aircraft Systems (UAS) and airspace security operations, respond to natural disasters, provide covert and overt electronic target tracking, and determine general aviation aircraft threats. Do you believe that AMOC's analytical capability to overlay live radar on detailed topographical maps and aviation charts, law enforcement databases, and tracking and communications networks, is a competency critical to detect, identify and coordinate interdiction of suspect targets? Are you surprised, as I am, to have virtually no funds included in the President's request for this critical national security requirement?

**ANSWER:** The capabilities provided by the Air and Marine Operations Center (AMOC) are a critical competency that fulfills many objectives and functions prescribed in several strategic documents. For example, the National Strategy for Aviation Security (NSAS) states that maximizing air domain awareness is critical to achieving the following strategic objectives: deterring and preventing terrorist attacks; protecting the United States and its interests in the Air Domain; and the ability to integrate surveillance data, all-source intelligence, law enforcement information, and relevant open-source data from public and private sectors and international partners. AMOC accomplishes these objectives and CBP continues to work towards maximizing AMOC's capability to detect and monitor low-altitude, low-observable manned or unmanned aircraft within the hemisphere and other airspace of national security interest.

According to the Aviation Operational Threat Response Plan, a support plan to the NSAS, the Secretary of the Department of Homeland Security (DHS) is responsible for responding to airborne threats. The Secretary meets this requirement through CBP's ability to conduct aviation law enforcement operations, including detecting, identifying, and interdicting potential air threats to national security, as well as providing investigative case

support for prosecution of criminal law violations within its jurisdiction. The AMOC is critical to these missions by serving as the catalyst for initiating law enforcement action. The Air Domain Surveillance Intelligence and Integration Plan, another NSAS support plan, states:

“CBP is responsible for detecting and identifying potential air threats to the United States, including aircraft involved in the aerial transit of contraband into the United States. The core of CBP’s Air Domain awareness architecture consists of the Air and Marine Operations Center, (and specially equipped airborne platforms), which fuse a variety of sensor systems and databases to produce a single, integrated air picture...”

This is shared with other federal, state, local, tribal, and international partners. Additionally, the National Interdiction Command and Control Plan (NICCP) designates AMOC as one of three national narcotics interdiction centers, along with Joint Interagency Task Force - South and Joint Interagency Task Force - West, within the Western Hemisphere.

The foundation of AMOC’s technical capability is the Air and Marine Operations Surveillance System. Utilizing a unique combination of off-the-shelf and specifically-designed technology provides critical aviation and maritime situational awareness to various departments and agencies in the federal government to meet homeland security and homeland defense mission objectives. AMOC’s unique ability to fully integrate sensor and law enforcement/intelligence data provides DHS and interagency partners with highly sophisticated domain awareness and the capability needed to efficiently direct law enforcement agents in the prevention and interdiction of terrorist/criminal activity. AMOC’s unique ability to fully integrate sensor data (to include overlaying live radar on topographical maps) and law enforcement/intelligence data provides DHS, the interagency, Federal, state, local, and international partners with highly sophisticated and critical domain awareness capability which enables the efficient means of detecting, identifying, and coordinating the interdiction of suspect targets to execute national missions.

Funding for the AMOC is provided through CBP’s Office of Air and Marine (OAM). OAM provides AMOC’s operations, management, salaries, and expenses requirements within its baseline budget submission.

**Question:** When does DHS plan to institutionalize the expertise and information AMOC can provide to maintain situational awareness of potential threats to the homeland?

**ANSWER:** Through its current construct, AMOC supports DHS components and other federal, state, local, tribal, and international partners in providing situational awareness of potential threats to the homeland.

### **Cargo Security**

**Question:** Last year, former Secretary Napolitano testified that she thought the mandate to scan 100 percent of containers bound for the United States prior to loading them on a vessel in a foreign port is expensive and unnecessary. Do you agree with Secretary Napolitano’s assessment? Do you anticipate that Secretary Johnson will propose a meaningful alternative to the mandate? Has CBP considered other options?

**ANSWER:** As Secretary Johnson committed to during his confirmation hearing, he directed a review of the Department of Homeland Security’s (DHS) efforts to implement the scanning mandate, including identifying obstacles to implementation and potential paths to achieving the goal. During that review, DHS found that the conditions and supporting evidence cited in the 2012 deadline extension continue to prevail and preclude full scale implementation of the provision at this time. Secretary Johnson communicated these findings to Congress in a letter dated May 4, 2014. In particular, we continue to assess that the use of systems that are available to scan containers would have a significant negative impact on trade capacity and the flow of cargo. Additionally, systems to scan containers cannot be purchased, deployed, or operated at ports overseas because ports do not have the physical characteristics to install such a system.

However, the DHS review did identify opportunities to expand implementation of 100 percent scanning of high-risk maritime cargo and to enhance the security of other transportation pathways. The Secretary directed several additional actions (listed in next question).

The Secretary directed CBP to take several additional actions:

Improve targeting. DHS, specifically CBP, will continue to refine targeting rules within the Automated Targeting System to better identify high-risk containers warranting additional scrutiny. In addition, we will continue efforts to improve scanning rules to reduce the number of “false positives”. This intends to enable resources to be focused on high risk containers without disrupting the flow of legitimate commerce.

Increase Scanning Abroad. DHS will work to increase the percentage of containers scanned abroad, with an emphasis on high risk cargo. DHS currently designates less than 1 percent of U.S.-bound maritime containerized cargo as high-risk. Under the Container Security Initiative and the Secure Freight Initiative the majority (85 percent) of this high-risk cargo is scanned at foreign ports prior to being laden on the vessel. DHS will seek to increase the percentage of high-risk cargo scanned by prioritizing diplomatic engagement with host governments to increase their support of current Container Security Initiative operations and discuss potential expansion of the initiative to additional key ports to ensure that such deployments align with high-risk cargo.

Engage Stakeholders. DHS will further explore potential new roles for industry stakeholders and/or international partners in scanning U.S.-bound maritime cargo containers. Enhancing private sector participation in the scanning regime for high-risk containers, including the development, operation, or maintenance of relevant equipment or systems, could provide benefits in terms of targeting and DHS resource allocation, as well as opportunities for increased cooperation with international partners, port operators and other relevant actors.

Address other potential vulnerabilities. After assessing radiological/nuclear risks to maritime containerized cargo as well as other supply chain and non-supply chain pathways, DHS’s Domestic Nuclear Detection Office (DNDO) concluded that enhanced detection within a single pathway (i.e., 100 percent scanning of maritime containerized cargo) would not substantially reduce overall risk. Instead, the assessment indicated that a broader, multi-faceted and risk-based approach would better protect the United States from this threat. As we continue to address radiological/nuclear threats in maritime cargo, DHS also will assume efforts to reduce vulnerabilities in other pathways.

DHS, in partnership with the Department of Energy (DOE) and the Department of State, relies on a robust, layered risk management approach that focuses our resources on identified threats while facilitating legitimate trade. DHS remains committed to fulfilling the objectives of the President’s November 2011 *National Strategy for Global Supply Chain Security*, which focuses on the worldwide network of transportation, postal, and shipping pathways, assets, and infrastructure by which goods are moved from the point of manufacture until they reach an end consumer, as well as supporting communications infrastructure and systems. DHS’s approach to supply chain security promotes the timely and efficient flow of legitimate commerce, while protecting and securing the supply chain from exploitation and reducing its vulnerabilities to disruption; and fosters a global supply chain system that is prepared for and can withstand evolving threats and hazards and can recover rapidly from disruptions.

Working with host governments and terminal operators to place radiation detection and imaging equipment in ports with a greater share of high-risk cargo, coupled with assessing worldwide threats, strengthens our layered, risk-based approach to maritime security. DHS, in partnership with DOE, will continue to refine future deployments in a viable and responsible manner. DHS plans to maintain Secure Freight Initiative operations in Port Qasim, Pakistan, to continue to explore the expansion to new locations of strategic importance, to test new technology, and to find solutions to complex challenges such as transshipped containerized cargo.

**Question:** Cargo entering the United States must be examined to determine whether it is marked properly, whether it infringes U.S. trademarks or copyrights, or whether it contains prohibited articles or contraband like drugs and narcotics. The budget requests \$11.7 million to refresh or refurbish 16 large- and small-scale systems and tool trucks, which is a drop in the bucket compared to the thousands of systems in CBP's fleet. The request seems inconsequential. Is the request sufficient to meet CBP's cargo examination requirements? What are your estimates for the lifespan of this equipment and what research or analysis supports those estimates? We continue to wait for a 5-year technology plan despite repeated request. Can we expect that submission soon? When will you give us a date certain?

**ANSWER:** CBP continues to make the best use of its existing Non-Intrusive Inspections (NII) fleet as it continues its efforts to acquire new and improved technology. Although the CBP NII inventory is aging, it remains an effective and vitally important component of the CBP layered enforcement strategy. Currently deployed NII technologies assist CBP in fulfilling its dual responsibilities of scanning high-risk conveyances for the presence of contraband while simultaneously facilitating the movement of legitimate trade and travel.

The requested \$11.7 million increase will support the acquisition of new NII imaging systems, to replace current equipment which is aging. Although analysis has shown that most of the imaging equipment will be functional past the expected 10-year lifecycle predicted by the vendors, 101 imaging systems will exceed this 10-year expected lifecycle by the end of FY 2014. Of these 101 imaging systems, only seven large scale systems will be retired. By using new risk-based criteria, decommissioning seven systems will produce operation impacts that are manageable. This will leave 94 systems that will exceed the 10-year expected lifecycle.

The CBP Office of Information and Technology Integrated Logistics Branch operates off of an assumption that all NII has a 10-year lifespan, which is the industry standard. CBP's requirements for potential bidders during the acquisition of NII dictates that equipment must be engineered to last 10 years, and as a general rule, we have experienced at least that on systems CBP has purchased. Some major components of NII may become obsolete prior to the 10 year life span, such as computer hardware, software, as well as other critical components; however, once solutions are developed to economically replace and integrate these aged or unavailable components, the overall system can remain in service. CBP predominantly utilizes Original Equipment Manufacturer (OEM) support contracts to maintain its fleet of NII. The term end of life is really reserved for those pieces of equipment that are unsupportable due to the fact that too many of the critical components are unavailable commercially, the OEM will not provide support for the equipment, the equipment is not compatible with modern technology, the equipment requires natural resources which are no longer available (such as He3), or the cost to repair or maintain are deemed too expensive by CBP.

The *Inspection and Detection Technology Multi-Year Plan* was submitted to Congress on March 19, 2014.

#### **General Aviation**

**Question:** We have been hearing reports of CBP Air and Marine monitoring and then subsequently stopping and searching general aviation (GA) aircraft (or directing local law enforcement to stop and search) that did not have any nexus to the border and without probable cause. Some of these stops and searches, we have been told, include dozens of police personnel, dogs, weapons drawn, masked officers. Does CBP have independent authority to stop and search these aircraft without probable cause? Is the authority currently being used by CBP Air and Marine agents and local law enforcement intended solely to assure a pilot's compliance with FAA required documentation or is the authority used in a manner to establish and justify a reasonable suspicion of potential criminal activity? Should CBP, or any agency within DHS for that matter, be conducting stops and searches on GA aircraft without establishing an articulable, reasonable suspicion of illegal activities or probable cause?

**ANSWER:** Law enforcement officers and agents within CBP are vested with the enforcement authorities granted to customs officers and immigration officers under federal law. Additionally, CBP agents and officers are federal law enforcement officers who may exercise authorities under federal aviation law, specifically 49 U.S.C. § 44103(d) and 14 C.F.R. § 61.3(l), to inspect a pilot's operating certificate and related aircraft documents. CBP makes every effort to ensure that all law enforcement encounters with the public are reasonable, professional, and conducted in accordance with the law, regulation, and policy. Complaints are taken seriously and investigated thoroughly to determine if our agents acted in accordance with law, regulation, and policy and if our procedures are appropriate and effective.

CBP exercises the authorities under the statutes and regulation listed above in the furtherance of a whole of government approach to securing the National Airspace System (NAS). In the course of conducting a pilot certificate inspection under the authorities mentioned above, information may merit further investigation to the extent consistent with federal law including the Fourth Amendment.

CBP's encounters with general aviation (GA) pilots are authorized by federal statute and regulation and conducted pursuant to long-established federal law consistent with the Fourth Amendment to the U.S. Constitution. CBP's review of activities involving GA pilots indicates that encounters between CBP officers and agents have been conducted in accordance with the law.

### **Non-Intrusive Inspection Equipment**

**Question:** CBP admits that their inventory of NII imaging systems is aging and will require replacement but asserts the systems will be functional past the expected ten-year life predicted by the vendors. There is a significant difference from being functional and being effective. Instead of replacing systems, CBP has developed a risk mitigation plan to shift NII systems between Ports of Entry in order to meet their requirement for screening and intercepting high risk cargo while facilitating the movement of legitimate trade. What resources are required to reduce risk and provide sufficient NII equipment so shifting of systems around between Ports of Entry is not necessary? What are CBP's plans to consider integrated inspection solutions that could allow CBP to make more effective use of operational resources, conserve space and add more inspection capability throughout its operations? Extending the service life of these systems requires increased maintenance costs. Yet, CBP cut \$31.0 million for operations and maintenance of these systems in the FY2014 budget. How can you maintain "functional systems" while at the same time reducing funding for service and repair?

**ANSWER:** CBP continues to make the best use of its existing Non-Intrusive Inspections (NII) fleet as it continues its efforts to acquire new and improved technology. Although the CBP NII inventory is aging, it remains an effective and vitally important component of the CBP layered enforcement strategy. Currently deployed NII technologies assist CBP in fulfilling its dual responsibilities of scanning high-risk conveyances for the presence of contraband while simultaneously facilitating the movement of legitimate trade and travel. CBP continues to embrace an NII acquisition and deployment strategy that remains dynamic and is frequently updated to accommodate newer and more updated systems as the technologies and funding becomes available. The CBP risk mitigation strategy includes some periodic redeployment of NII technologies based on requests from field locations whose operational requirements necessitate temporary or permanent asset relocations to address evolving threats and further enhance their enforcement and trade facilitation capabilities.

In order to consider integrated inspection solutions, CBP has developed a working group of various stakeholders to consider the development of a Streamlined Cargo Inspection Program (SCIP). In particular, the group is considering and implementing the steps necessary to establish a Program of Record through the Department of Homeland Security Acquisition Management Directives. The group is also considering options for merging integrated requirements within existing CBP programs if appropriate. The first steps of the evaluation are underway with a focus on the evaluation and definition of capability gaps and preliminary mission needs to address the concerns and goals of effective use of operational resources, reduction in cargo

processing times, space conservation, additional inspection capability, reduction in training requirements, distributed command and control, and data sharing and fusion.

CBP's plan is to develop a system or system-of-systems that will infuse innovative technology in centralized operation while leveraging the current and future NII and RDE technologies. SCIP will support the interdiction of contraband and Chemical/Biological/Radiological/Nuclear/Explosive (CBRNE) threats. CBP's goal is to field the system by 2020 in order to improve operational effectiveness and increase operational efficiency while minimizing training, acquisitions, and life cycle costs.

CBP projects a \$0.5 million reduction in FY 2014 NII system operations and maintenance costs, not a \$31 million reduction. CBP expects to achieve the reduction through efficiencies, and not by reducing the level of NII system maintenance. CBP did reduce its NII systems budget request in FY 2013 by \$31 million; CBP implemented the FY 2013 reduction by decreasing its acquisition of new and replacement NII systems and not by reducing maintenance.

CBP closely monitors the condition and availability of its NII systems, in particular the condition of its large scale NII systems more than ten years old. CBP's standard for large scale NII system operational availability is 95 percent, regardless of age. The operational availability of all CBP NII systems in FY 2013 was: 1) large-scale NII – 96.8 percent, 2) small-scale NII – 98.7 percent, and 3) RPM – 99.8 percent. The following table summarizes the recent operational availability of large scale NII systems more than 10 years old.

Time Period	Operational Availability (Large Scale NII Imaging Systems More than 10 Years Old)
October 1, 2011 through September 30, 2012	95.03%
October 1, 2012 through September 30, 2013	97.22%
October 1, 2013 through March 31, 2014	96.55%

#### **Contracts**

**Question:** Update and submit, through the most recent month available, the list provided in past year's hearings and QFR responses regarding Sole Source Contracts. Organize by contractor, purpose, appropriation account, dollar award, full performance value, contract start date, contract end date, and reason for going sole-source.

ANSWER:

SOLE SOURCE ACTIVITY - From 05/01/13 thru 05/31/2014 (Data extracted from FPDS-NG 06/17/14)									
Contractor	Purpose	Appropriation Account (Treasury Account Symbol)	Dollar Award	Full Performance Value	Start Date	End Date	Full Performance End Date	Reason for Sole Source	Contract Number
APPROPRIATION ACCOUNT (TREASURY ACCOUNT SYMBOL) 70 0530 - Salaries and Expenses, U.S. Customs and Border Protection, Homeland Security	IGF:OT:IGF BUILDING INSTALL SWING GATE AND READY LANE ENHANCEMENTS AT METALWORK, SANTA TERESA, NM LPOE.	70 0530	\$56,263.65	\$56,263.65	10/01/13	11/24/13	11/24/13	AUTHORIZED BY STATUTE	HSBP1013C00075
COMPREHENSIVE HEALTH SERVICES, INC.	PRE-EMPLOYMENT AND EMPLOYEE MEDICAL SERVICES	70 0530	\$4,444,062.34	\$5,942,947.00	07/08/13	12/31/13	12/31/13	AUTHORIZED BY STATUTE	HSBP1013C00041
	IGF:OT:IGF PRE-EMPLOYMENT FITNESS TEST - J THROUGHOUT THE CONTINENTAL U.S. AND OUTLYING REGIONS FOR CBP'S MINNEAPOLIS HIRING CENTER.	70 0530	\$1,483,946.93	\$8,094,266.64	04/08/14	05/07/14	10/07/14	ONLY ONE SOURCE - OTHER	HSBP1014C00015
JOB OPTIONS, INCORPORATED	ADMINISTRATIVE SERVICES NISLOTAY MESA POE, SAN DIEGO, CA	70 0530	\$611,600.34	\$5,577,157.76	04/01/14	09/30/14	09/30/18	AUTHORIZED BY STATUTE	HSBP1014C00011
SENTRILLION CORPORATION	CENTRALIZED AREA VIDEO SURVEILLANCE SYSTEM SUPPORT SERVICES	70 0530	\$7,024,781.00	\$7,024,781.00	08/01/13	01/31/14	04/30/14	URGENCY	HSBP1013C00052
SITA INFORMATION NETWORKING COMPUTING USA INC.	AIRLINE DATA SERVICES IGF:CT:IGF SUPPORT SERVICES FOR PURCHASE CARD HELPDESK AND PROCUREMENT DIRECTORATE	70 0530	\$1,178,736.00	\$1,178,736.00	09/30/13	09/29/14	09/29/18	URGENCY	HSBP1013C00071
SOLUTIONS BY DESIGN II, LLC	IGF:CL:IGF	70 0530	\$494,208.00	\$2,623,660.80	09/27/13	09/26/14	09/26/18	AUTHORIZED BY STATUTE	HSBP1013C00070

SOLE SOURCE ACTIVITY - From 05/01/13 thru 05/31/2014 (Data extracted from FPPS-NG: 06/17/14)									
Contractor	Purpose	Appropriation Account (Treasury Account Symbol)	Dollar Award	Full Performance Value	Start Date	End Date	Performance End Date	Reason for Sole Source	Contract Number
SYNERGY DEVELOPMENT PARTNERS, LLC	JANITORIAL SERVICES IGE::CT::IGF	70 0530	\$148,524.00	\$621,348.00	05/01/14	04/30/15	04/30/18	AUTHORIZED BY STATUTE	HSBP1014C00022
<b>APPROPRIATION ACCOUNT (TREASURY ACCOUNT SYMBOL) 70 0531 - Automation Modernization, U.S. Customs and Border Protection, Homeland Security</b>									
COPPER RIVER INFORMATION TECHNOLOGY, LLC	FIREWALL SOFTWARE	70 0531	\$337,166.70	\$337,166.70	05/15/13	05/29/14	05/29/14	UNIQUE SOURCE	HSBP1013C00039
<b>APPROPRIATION ACCOUNT (TREASURY ACCOUNT SYMBOL) 70 0532 - Construction and Facilities Management, U.S. Customs and Border Protection, Homeland Security</b>									
ANDERSON BURTON CONSTRUCTION, INC.	IGE::OT::IGF AMOC CHILLER AND HALON SYSTEM REPAIR	70 0532	\$55,936.00	\$55,936.00	04/02/14	05/30/14	05/30/14	AUTHORIZED BY STATUTE	HSBP1014C00016
ARC - IMPERIAL VALLEY	IGE::OT::IGF NIDH JANITORIAL/GROUNDS KEEPING SERVICES EL CENTRO SECTOR BORDER PATROL, IMPERIAL, CA	70 0532	\$853,977.12	\$4,293,698.28	04/01/13	03/31/14	03/31/18	AUTHORIZED BY STATUTE	HSBP1013C00031
CITIZEN ADVOCATES, INC.	IGE::CL::IGF SERVICE CONTRACT AWARD FOR LP0E LOCATIONS	70 0532	\$95,695.00	\$488,526.00	09/30/13	09/30/14	09/30/18	ONLY ONE SOURCE - OTHER	HSBP1013C00080
IMPERIAL COUNTY WORK TRAINING CENTER, INCORPORATED	IGE::OT::IGF NISH JANITORIAL SERVICES, CALEXICO BORDER PATROL STATION, CALEXICO CA	70 0532	\$300,215.28	\$1,517,221.32	04/01/14	05/31/15	03/31/19	AUTHORIZED BY STATUTE	HSBP1014C00009
RELIABLE FEDERAL AND GENERAL CONTRACTOR	IGE::OT::IGF WINDOW REPLACEMENT AT HEADQUARTERS CANINE PROGRAM	70 0532	\$31,750.92	\$31,750.92	02/25/14	06/24/14	06/24/14	AUTHORIZED BY STATUTE	HSBP1014C00007
VISION CONSTRUCTION COMPANY, INC.	IGE::CT::IGF	70 0532	\$792,770.65	\$3,757,113.88	09/01/13	03/31/14	09/30/16	AUTHORIZED BY STATUTE	HSBP1013C00059
<b>APPROPRIATION ACCOUNT (TREASURY ACCOUNT SYMBOL) 70 0533 - Border Security Fencing, Infrastructure, and Technology, U.S. Customs and Border Protection, Homeland Security</b>									
CTSC, LLC	IGE::CL::CT::IGF INTEGRATED LOGISTICS SERVICES	70 0533	\$20,600,975.00	\$30,100,001.00	07/01/13	03/31/14	06/30/14	URGENCY	HSBP1013C00046



SOLE SOURCE ACTIVITY - From 05/01/13 thru 05/31/2014 (Data extracted from FPDS-NG 06/17/14)										
Contractor	Purpose	Appropriation Account (Treasury Account Symbol)	Dollar Award	Full Performance Value	Start Date	End Date	Performance End Date	Reason for Sole Source	Contract Number	
JOHNS HOPKINS UNIVERSITY APPLIED PHYSICS LABORATORY LLC, THE	IGF-CL-IGF RESEARCH AND DEVELOPMENT SERVICES	70 0533	\$8,313,004.99	\$43,388,161.00	02/14/14	02/13/15	02/13/19	MOBILIZATION, ESSENTIAL R&D	HSBP1014C00005	
MANTECH SRS TECHNOLOGIES, INC.	IGF-CL-IGF THE PURPOSE OF THIS CONTRACT IS TO OBTAIN CONTRACT SUPPORT SERVICES.	70 0533	\$12,434,607.00	\$30,633,335.27	05/01/14	10/31/14	04/30/15	ONLY ONE SOURCE - OTHER	HSBP1014C00020	

**Question:** Please provide for the record a list of all CBP contracts, grants, and other transactions where work is performed outside of the United States. Organize by contractor, purpose, dollar award, full performance value, contract start date, and contract end date.

**ANSWER:**

Data extracted from FPDS-NG 06/17/14										
Contractor	Purpose	Dollar Award	Full Performance Value	Contract Start Date	Contract End Date	Est. Ultimate Completion Date	Principal Place of Performance Country Name	Contract Number		
AMBASSADOR BUILDING MAINTENANCE LIMITED CHOICE PHONE, LLC	JANITORIAL CLEANING SERVICES PROVIDE CELLULAR SERVICES IN GUAM	\$1,809.50 \$7,200.00	\$24,044.62 \$56,000.00	05/06/10 03/08/10	09/30/10 09/30/10	09/30/14 09/30/14	CANADA GUAM (UNITED STATES)	HSBP1010P00673 HSBP1010P00407		
CMC ELECTRONIQUE INC	NAVIGATIONAL DATABASE UPDATES TO THE P-3 AIRCRAFT FLIGHT MANAGEMENT SYSTEM	\$41,764.00	\$217,284.00	04/08/11	03/31/12	03/31/16	CANADA	HSBP1011P00426		
DESIRE2LEARN INCORPORATED	DESIRE2LEARN TRAINING	\$40,906.00	\$148,326.00	09/30/11	09/30/12	09/30/16	CONOROS	HSBP1011P00618		
DOMESTIC AWARDS (UNDISCLOSED)	PERSONAL SERVICE CONTRACT FOR A CBP ADVISOR IN KUWAIT CITY, KUWAIT	\$142,104.55	\$437,716.46	09/14/12	09/19/13	09/19/15	KUWAIT	HSBP1012C00007		

Data extracted from FPDS-NG 06/17/14								
Contractor	Purpose	Dollar Award	Full Performance Value	Contract Start Date	Contract End Date	Est. Ultimate Completion Date	Principal Place of Performance Country Name	Contract Number
FEDERAL EXPRESS CORPORATION	"OTHER FUNCTION" EXPRESS COURIER SERVICES IGF:CT:IGF	\$21,000.00	\$21,000.00	01/26/12	02/23/13	02/22/15	ARUBA [NETHERLANDS]	HSBP1012F00079
FOREIGN AWARDEES (UNDISCLOSED)	SUPPLEMENTAL VEHICLE LIABILITY INSURANCE REQUIRED BY ARUBA	\$6,134.83	\$6,134.83	09/23/13	09/21/14	09/21/14	ARUBA [NETHERLANDS]	HSBP1013P00455
FOREIGN CONTRACTOR (UNDISCLOSED)	CELLULAR PHONE SERVICE IN BERMUDA	\$6,500.00	\$18,000.00	02/04/11	09/30/11	09/30/15	BERMUDA [UNITED KINGDOM]	HSBP1011P00175
ISONIC CORP	ELEVATOR REPAIR/MAINTENANCE	\$17,600.00	\$76,962.74	02/26/10	09/30/10	12/31/14	PUERTO RICO [UNITED STATES]	HSBP1010P00355
MISCELLANEOUS FOREIGN CONTRACTORS	BOTTLED WATER	\$9,990.00	\$49,950.00	02/03/11	01/31/12	01/31/16	BAHAMAS, THE	HSBP1011P00228
MISCELLANEOUS FOREIGN CONTRACTORS	CELLPHONE / BLACKBERRY SERVICE	\$20,000.00	\$20,000.00	01/20/10	09/30/10	09/30/14	CANADA	HSBP1010P00159
VETERINAIRE KLINIK WAWYCA N.V.	KENNEL AND VET SERVICES	\$7,914.65	\$7,914.65	12/02/10	11/30/11	11/30/15	ARUBA [NETHERLANDS]	HSBP1011P00102
XEROX CORPORATION	THREE (3) XEROX MULTIFUNCTIONAL DEVICES OFF OF GSA FSSI PRINT BPA	\$26,147.01	\$26,147.01	09/10/13	10/09/14	10/09/14	PUERTO RICO [UNITED STATES]	HSBP1013F00320
ACL SERVICES LTD	AUDIT SOFTWARE FOR CDP TO PERFORM REGULATORY AUDITS OF TSA SECURITY FILES UNDER REIMBURSABLE IAA HIST501-13X-REV0007	\$8,016.00	\$8,016.00	01/30/14	01/31/15	01/31/15	CANADA	HSBP1014P00089
MISCELLANEOUS FOREIGN AWARDEES	IGE:OT:IGF	\$12,478.00	\$12,478.00	03/18/14	12/31/14	12/31/14	CANADA	HSBP1014P00128
WATERTON INTER-NATION SHORLINE CRUISE COMPANY LTD	IGE:OT:IGF FERRY SERVICE	\$7,000.00	\$35,000.00	04/17/14	11/01/14	11/01/19	CANADA	HSBP1014P00221

**Unobligated Balances**

**Question:** Please provide a list of all unobligated balances within CBP, by appropriation account, and when you anticipate that each amount will be expended.

**ANSWER:**

Appropriation/ Account	Unobligated Balance as of May 31, 2014	Anticipated Obligation Date
Salaries & Expenses (70 14 0530)	\$2,581,560,792	\$2.582B to be obligated through quarter 4 of FY 2014
Salaries & Expenses (70 14/15 0530)	\$165,928,450	\$165.9M to be fully obligated in FY 2015
Salaries & Expenses (70 13/14 0530)	\$157,556	\$157.6K to be obligated through quarter 4 of FY 2014
Salaries and Expenses (70 X 0530)	\$20,717,864	\$20.7M to be obligated through quarter 4 of FY 2014
Legacy S&E (70 X 0503)	\$1,395,958	\$1.4M available for upward adjustments, to be obligated as needed
Air and Marine (70 14 0544)	\$104,043,028	\$104M to be obligated through quarter 4 of FY 2014
Air and Marine (70 14/16 0544)	\$177,119,555	\$165.6M to be obligated through quarter 4 of FY 2014; anticipated carryover of \$11.5M to be obligated in FY 2015
Air and Marine (70 13/15 0544)	\$6,246,510	\$6.2M to be obligated in FY 2014
Air and Marine (70 12/14 0544)	\$12,649,008	\$12.6M to be obligated through quarter 4 of FY 2014
Air and Marine (70 X 0544)	\$46,909,400	\$16.9M to be obligated through quarter 4 of FY 2014; anticipated carry over of \$30M to be obligated in FY 2015
Automation (70 14 0531)	\$247,834,510	\$247.8M to be obligated through quarter 4 of FY 2014
Automation (70 14/16 0531)	\$185,409,782	\$127M to be obligated through quarter 4 of FY 2014; \$58.4M in anticipated carryover to be obligated through FY 2015
Automation (70 13/15 0531)	\$24,300,882	\$22.9M to be obligated through quarter 4 of FY 2014; \$1.4M anticipated carryover to be obligated in FY 2015
Automation (70 12/14 0531)	\$8,359,925	\$8.4M to be obligated through quarter 4 of FY 2014
Automation (70 X 0531)	\$14,037,529	\$14M to be obligated through quarter 4 of FY 2014
BSFIT (70 14/16 0533)	\$270,183,099	\$99.1M to be obligated through quarter 4 of FY 2014; \$171.2M anticipated carry-over, of which \$102 is to be obligated in FY 2015 and \$69M is to be obligated in FY 2016
BSFIT (70 13/15 0533)	\$92,015,672	\$39M to be obligated through quarter 4 of FY 2014; \$53M anticipated carryover, to be obligated in FY 2015
BSFIT (70 12/14 0533)	\$10,799,309	\$10.8M to be obligated through quarter 4 of FY 2014
BSFIT (70 X 0533)	\$187,185,649	\$187.2M to be fully obligated by FY 2016
Construction (70 14/18 0532)	\$195,888,068	\$169.9M to be obligated through quarter 4 of FY 2014; \$26M anticipated carryover to be obligated in quarter 1 of FY 2015
Construction (70 13/17 0532)	\$22,968,138	\$23M to be obligated through quarter 4 of FY 2014
Construction (70 12/16 0532)	\$3,898,073	\$3.9M to be obligated through quarter 4 of FY 2014
Construction (70 X 0532)	\$10,051,736	\$10.1M to be obligated through quarter 4 of FY 2014

**UAS Resources**

**Question:** What budgetary resources would you need to maximize utilization of the 10 Unmanned Aircraft Systems (or UAS) in FY 2015?

**ANSWER:** CBP currently maintains nine MQ-9 unmanned aircraft in our inventory. Providing the CBP Unmanned Aircraft Systems (UAS) Program with additional resources in FY 2015 will not impact or improve near term utilization due to the long lead times to acquire personnel and equipment. CBP's current staffing level (government aircrew, contract flight technicians, and contract maintenance technicians) is the primary barrier to maximizing the employment of its assets. The process to hire, and complete background investigations on government and contract personnel in sufficient numbers to impact the UAS Program would take more than 12 months. The same lead time would also apply to material and engineering enhancements to our ground control stations and unmanned aircraft. Within its existing resources, CBP will re-allocate some aircrew positions to the UAS Program, and plans to make modest increases to contractor technician staffing over the next year. While these actions will not position CBP to push for an efficient 5 X 16 operating tempo, it should enable additional hours/sorties to be flown for the agency's highest priority missions.

As with any program or operating force, consistent annual funding enables modest improvements to be gained over time, while significant fluctuations result in delays and inefficiencies.

### **Marine Operations**

**Question:** Please provide an update on CBP assets operated in coastal waters and resources dedicated to the maritime borders, highlighting any changes between FY 2012 and FY 2013 and planned in FY 2014 and FY 2015.

**ANSWER:** CBP's Office of Air and Marine (OAM) marine program consists of 30 operational locations, OAM Headquarters, the Air and Marine Operations Center (AMOC), the National Marine Training Center, and the National Marine Center staffed by 347 agents and a fleet of 284 vessels, all of which are used to support CBP's maritime mission.

CBP OAM staff 30 operational locations in the coastal environment where 325 Marine Interdiction Agents (MIAs) operate a total of 95 vessels:

- The Southeast Region has 17 marine units staffed by 144 MIAs who operate 47 vessels.
- The Southwest Region has 4 marine units staffed by 82 MIAs who operate 19 vessels in southern Texas and California.
- The Northern Region has 9 coastal lake and river locations staffed by 99 MIAs who operate 29 vessels.

With regards to the MIA staffing changes from FY 2012 to FY 2013, only minor fluctuations occurred with no major staffing level changes. However, in FY 2013, OAM conducted an operational assessment of individual air and marine branches, which identified a simple return on investment of each location. This analysis recognized the need for a strategic realignment of specific aircraft, vessels, and personnel from the Northern Region to the Southwest and Caribbean Theaters. This analysis identified the highest producing offices and mission sets, enabling OAM to develop a Northern resource allocation plan that more efficiently aligned capabilities and capacities with mission requirements and operational need.

There are an additional 22 MIAs that staff OAMs Headquarters, training, and marine support center positions. There are an additional 16 coastal vessels located at the marine training and marine support centers. OAM also created 2 new positions (1 occupied and 1 currently vacant) at the AMOC in 2013 to enhance subject matter expertise for maritime domain awareness.

OAM also owns, equips, maintains, and provides fuel for a fleet of 173 Riverine class vessels utilized by the U.S. Border Patrol. These vessels are utilized on rivers and lakes along land borders of the United States such as the Rio Grande, the St. Lawrence Seaway, and Lake Champlain. In total, the OAM marine fleet consists

OAM utilizes Coastal Interceptor Vessels to execute the CBP mission in the coastal waters and Great Lakes. The CIV is a high-speed, rugged replacement for CBP's aging Midnight Express CIVs. To date, 17 vessels and 10 sensors have been funded, with \$3.5 million requested in FY 2014 for 5 additional vessels. A prototype CIV was delivered for test and evaluation as planned in the fall of 2012, but discrepancies and contract issues forced an end to the contract. Since then, CBP completed a finite element analysis of the vessel design, and is enhancing its production quality controls prior to releasing a second request for proposal. CBP expects contract award, second prototype delivery, and test and evaluation leading to full production to be completed before the end of Calendar Year 2014. As a part of the resource allocation plan, two coastal marine assets were relocated from the Northern border in FY 2013; one reassigned to the Southwest Region, and one reassigned to the Southeast Region. In the next 3 years, six additional marine assets will be realigned from the Northern border to the Southern border.

The Riverine Shallow Draft Vessel (RSDV) was acquired to respond to a need to detect, report, and track persons conducting illegal activity in extreme shallow water areas where criminals have evaded airboats and deeper draft patrol vessels in the past. It is the final vessel procurement under the StAMP. The contract was awarded in late 2011, and the first prototype vessels were delivered on-time in the late spring of 2012. During test and evaluation, an engine exhaust overheating issue was uncovered, along with an environmental issue surrounding coolant flow over the 2-stroke marine engine installed in the vessel. After comprehensive systems engineering analysis and senior leadership review, CBP decided to shift to a more environmentally-friendly diesel engine. The first diesel prototype was delivered in December 2013 for test and evaluation, and full production began in the second quarter of FY 2014. OAM currently owns 4 RSDVs and is funded for 29 additional RSDV vessels. Production is expected to begin in late FY 2014.

**Question:** How has CBP expanded its role in protecting the maritime borders? Please detail efforts, funding and other resources dedicated to this role.

**ANSWER:** Over the past 11 years, CBP has dedicated historic levels of personnel, technology, and resources in support of our maritime security efforts. The number of OAM agents dedicated to performing CBP's mission has grown from 943 in FY 2002 to a present force of 1,679 enforcement and support personnel throughout the United States and territories with a plan to increase to 1,750.

OAM also operates two unique operational entities that support maritime security efforts: National Air Security Operations (NASO) and AMOC. NASO, operating out of six centers nationwide, coordinates operational activities, long-range planning and project oversight for the P-3 aircraft and UAS programs. AMOC is a state-of-the-art law enforcement operations and domain awareness center, which conducts air and marine surveillance operations, providing direct coordination and support to OAM; CBP law enforcement agents performing interdiction missions; and other federal, state, and local law enforcement agencies conducting criminal investigations. The AMOC is located in Riverside, California, with satellite operations centers in Puerto Rico and the National Capital Region.

Additionally, in support of OAM operations, CBP has assumed responsibility for the Tethered Aerostat Radar System (TARS) Program from the Department of Defense (DoD) in FY 2014. TARS has assisted CBP and its legacy agencies with providing air domain awareness for more than 20 years — it is a multi-mission capability that supports CBP's border security mission.

In 2011, the CBP Commissioner, United States Coast Guard (USCG) Commandant and U.S. Immigration and Customs Enforcement (ICE) Director signed the cross-component Maritime Operations Coordination (MOC) plan. The plan addresses the unique nature of the maritime environment and sets forth a layered, DHS-wide approach to homeland security issues within the maritime domain, ensuring integrated planning, information sharing, and increased response capability in each area of responsibility.

OAM has been an integral part of successful interagency counter-narcotics missions. For example, operating in coordination with the Joint Interagency Task Force – South (JIATF-S), OAM assets, including P-3 aircraft, patrol in a 6 million square mile area of the Western Caribbean and Eastern Pacific, known as the transit zone, in search of drugs and migrants that are in transit toward United States' shores. OAM's distinctive detection capabilities allow highly-trained crews to identify emerging threats well beyond the land borders of the United States.

In partnership with USCG, OAM developed a maritime variant of its Predator B unmanned aircraft system UAS, called the Guardian, to increase reconnaissance, surveillance, targeting, and acquisition capabilities in maritime operating environments. OAM pilots, augmented by USCG personnel, use the Guardian to conduct long-range surveillance in support of joint counter-narcotics operations in the southeast coastal and Gulf of Mexico border regions and drug source and transit zones, where maritime radar is necessary to detect a variety of threats. The Guardian is a strategic asset for homeland security operated at and beyond the Nation's borders to overcome threats moving towards the United States.

CBP, with assistance from several NASO Centers, USCG, DOD, along with state, local, and tribal partners participate in Operation Blue Tempest. OAM supports this operation using P-3, DHC-8, MQ-9 (Guardian UAS) aircraft and marine interceptors. Blue Tempest is intended to disrupt and seize drugs moving from the source zone through the transit zones on their way towards the United States. Ongoing missions provide aerial and maritime surveillance in transit/arrival zones allowing OAM to gather intelligence, develop a maritime database and exploit targets of opportunity that are conducting narcotic trafficking and alien smuggling in the California Coastal Region. Intelligence gathered is shared among all operational participants. This intelligence may also be shared with the Government of Mexico (GoM) using vetted GoM Liaisons on staff at the AMOC. This sharing of information is critical in identifying potential departure locations to better posture limited GoM and U.S. resources in response.

OAM continues to engage with the USCG and DOD to identify and deploy enabling technologies that permit the expansion of overall maritime domain awareness and the integration of information and maritime sensor data throughout DOD and DHS. Through this partnership, OAM is negotiating with DOD to receive radar data from patrolling DOD air and surface assets along the California Coastline. AMOC already receives feeds from airborne DOD aircraft and is looking to the Navy Southern California Offshore Range as an additional source for enhanced maritime domain awareness. With the support of the DHS Science and Technology Directorate and the USCG Research and Development Center, prototype technologies have been deployed to the AMOC and USCG Los Angeles/Long Beach Sector, and are currently under evaluation. The Coastal Surveillance System (CSS) pilot has already shown promise in its ability to manage and coherently integrate various maritime sensor systems into a single picture, which can be then shared between stakeholders.

Against the backdrop of significantly improved relations between the United States and Mexico, DHS and CBP have cooperated in various law enforcement and border security efforts including conducting joint air interdiction operations with Mexican forces to increase apprehensions of suspect air traffic; and establishing a shared technical architecture for viewing Mexican radars at AMOC.

CBP continues to enhance our partnerships with Federal, state, local, and tribal law enforcement agencies and our international counterparts, as well as with the public and private sectors to monitor, collect, analyze and produce intelligence reporting on drug smuggling tactics, techniques, and procedures. Intelligence provides frontline personnel with a better understanding of the illicit transportation methods and concealment techniques they are likely to encounter. Coordination and cooperation among all entities that have a stake in our mission have been, and continue to be, paramount to an effective maritime security strategy. OAM continues to unify our enforcement efforts and expand collaboration with other agencies.

Over the last decade, OAM has evolved to counter the egregious threat of non-compliant vessels. OAM has developed capabilities to disable non-compliant vessels and prevent the more serious violators from reaching our communities. Since 2003, OAM has engaged in 113 incidents involving marine warning and/or disabling rounds, and one incident involving air to vessel warning and disabling rounds. In each case, the criminals were safely brought to justice without incident or injury.

Since FY 2007, OAM has received \$49.2 million in marine vessel funding. Of these funds, \$33.1 million has been used for the procurement of Coastal Interceptor Vessels (CIV) and \$5.5 million towards Riverine Shallow Draft Vessels (RSDV). The FY 2015 President's Budget provides \$13.2 million in support of the National Marine Center and \$3.1 million in Marine Fuel funding within the Operations and Maintenance PPA.

The path forward is to improve our maritime domain awareness by continually enhancing our detection capabilities, maximizing maritime intelligence integration, increasing our resources, enhancing and expanding our technologies, as well as remaining flexible and strategically aligning our resources to meet the threat. OAM will continue to utilize a risk-based approach to adapt and align our personnel and assets as needed to address emerging and dynamic threats and to keep our maritime borders secure.

#### **Textile Transshipment Program**

**Question:** Please provide historical updated information on the status of the textile transshipment enforcement effort, and the number of CBP positions—import specialists, CBP officers, and international trade specialists on-board in the Textile Enforcement Division, FY 2011 through projected FY 2015. Please also indicate where those CBP positions are assigned.

**ANSWER:**

Activity	2013 Q 1	2013 Q 2	2013 Q 3	2013 Q 4	2013 Total
<i>Seizures (Smuggling)</i>					
Number	9	7	9	14	39
Value	\$346K	\$676K	\$1,321K	\$3,231K	\$5,574K
<i>Seizures (IPR)</i>					
Number	2,866	3,246	1,085	2,103	9,300
Value	\$4.0M	\$4.9M	\$2.5M	\$4.3M	\$15.7M
<i>Commercial Fraud Penalties</i>					
Number	6	7	8	2	23
Value	\$0.214M	\$9.7M	\$4.6M	\$7.5M	\$22.01M
<i>Liquidated Damages</i>					
Textiles	216	309	254	189	968
Entry	207	292	226	183	908
TIB	7	11	23	3	44
Other	0	0	0	0	0
Redelivery	2	6	5	3	16
<i>TPVT Illegal Transshipment</i>					
Countries Visited	1	2	3	2	8
Factories Visited	10	40	68	25	143
% Discrepant	10%	18%	29%	8%	14.7%
<i>TPVT Trade Preference Claims</i>					
Countries Visited	1	2	3	2	8
Factories Visited	10	40	68	25	143

% Discrepant	90%	40%	39%	28%	35.7%
<i>Examinations*</i>					
Total Number	2451	2896	2769	3163	11279
Discrepant	229	338	256	332	1155
% Discrepant	9%	12%	9%	10%	10%
<i>Audits</i>					
Number of Audits/Initiated	7	9	11	6	33
Number of Audits/Completed	2	10	10	21	45
Recommended Recoveries	\$242K	\$2.5M	\$1.85M	\$2.57M	\$7.185M
<i>Laboratory Analyses</i>					
Number of Samples Tested	238	346	327	259	1170
Number Discrepant	140	172	166	136	614
% Discrepant	59%	50%	51%	52%	52%
<i>Special Enforcement Operations (SEO)</i>					
Number of SEO Initiated	1	3	1	2	7
Number of SEO Completed	1	4	2	2	9

\* National import specialists and assistants.

\*\* FY2014 estimated

The International Trade Specialists, CBP Representatives, Attorneys, National Import Specialists, Auditors, Paralegals and Information and Technology programmers are located throughout the country, including headquarters in Washington, DC. The Import Specialists are located at numerous ports of entry across the United States.

**Question:** Please list the numbers and destinations of textile production verification team visits in FY 2014 and the number of manufacturers and producers visited on these trips.

**ANSWER:** CBP textile production verification team visits are planned to occur throughout the fiscal year. The tentative schedule for FY 2014 includes the following nine countries: El Salvador, Israel, Dominican Republic, Korea, Peru, Colombia, Guatemala, and Mauritius. To date, teams have been deployed to El Salvador and Israel, where they visited 28 and 21 factories, respectively, for a total of 49 factories visited. The remaining visits are either in process or yet to be confirmed.



QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE DAVID PRICE**

**R. Gil Kerlikowske, Commissioner**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 U.S. Customs and Border Protection Budget Request

April 2, 2014

**Pilot Certificate Inspections**

**Question:** What legal authority is the basis for CBP officers or agents to inspect the pilot certificate or related documents of a general aviation pilot? And does that authority require a direct nexus to border security?

**ANSWER:** CBP agents and officers are federal law enforcement officers and as such are authorized to exercise certain aviation security authorities under federal aviation law, specifically 49 U.S.C. § 44103(d) and 14 C.F.R. § 61.3(l).

The authorities included in 49 U.S.C. § 44103(d) 14 and C.F.R. § 61.3(l) are premised upon an individual's operation of an aircraft within the United States, not the aircraft's connection to the border. General aviation (GA) aircraft with a nexus to the international border may be subject to a border search consistent with federal law including the Fourth Amendment.

**Question:** Are such inspections conducted randomly, or does the Office of Air and Marine (OAM) use a risk-based approach to target inspections?

**ANSWER:** CBP's Office of Air and Marine (OAM) uses a risk-based approach; the Air and Marine Operations Center (AMOC) uses the Air and Marine Operations Surveillance System (AMOSS) to detect, identify, track, and coordinate the law enforcement interdiction of suspect targets. The AMOSS utilizes extensive law enforcement and intelligence databases and radar tracking capabilities to provide a single picture that enables the simultaneous display of over 50,000 individual radar tracks.

**Question:** What oversight mechanisms are in place to ensure that OAM officers and agents appropriately use their inspection authority? And has oversight of inspections uncovered any inappropriate behavior?

**ANSWER:** The AMOC maintains tracking of pilot certificate inspections and conducts a pre-inspection check for de-confliction purposes; accordingly AMOC serves as OAM's clearinghouse for pilot certificate inspections conducted by CBP and OAM and reports this information to OAM Headquarters on a quarterly basis.

OAM operating procedures direct that all certificate check operations be conducted in direct coordination with the AMOC. The AMOC is charged with coordination with partner law enforcement agencies and the FAA Law Enforcement Assistance Program (LEAP).

CBP recently completed an extensive top-down review of OAM general aviation (GA) encounters. The results of this review will be published in a report. By direction of the Commissioner, CBP is mandated to continue regular review of all interaction with the GA community to evaluate our performance, and make changes when appropriate.

CBP's review of OAM's interaction with the GA community did not uncover any inappropriate behavior by its agents and officers. CBP is dedicated to process improvement and the review has identified several areas in which OAM can improve its procedures and made recommendations to that end. Those recommendations have largely been incorporated in OAM's daily operations and those that have not been completed are actively being worked and will be completed presently.

**Question:** In response to concerns expressed by some general aviation pilots regarding OAM inspections, has CBP reached out to stakeholder groups to address those concerns? And if so, what were the results of those discussions?

**ANSWER:** On April 30, 2014, CBP's Commissioner and Assistant Commissioner, OAM, both met with Mark Baker, President and CEO, Aircraft Owners and Pilots Association (AOPA) and his leadership team.

OAM is actively working to improve its outreach to both of those groups. In accordance with congressional guidance and in furtherance of meeting objectives to enhance public relations, OAM will have a robust presence at the 2014 EAA AirVenture in Oshkosh, Wisconsin. OAM personnel will provide interactive programs that engage, inform, and educate. They will discuss OAM's mission and their efforts to ensure minimal impact on the flying public.

In addition to EAA AirVenture, OAM personnel will also engage the GA community through attendance at other forums such as FAA Safety Team events and Aircraft Owners and Pilots Association-sponsored fly-ins.

CBP is developing a public information pamphlet explaining the purpose for pilot certificate inspections and the authority for OAM to conduct them. The pamphlet will explain that authority to inspect a pilot's certificate is not authority to search his or her aircraft, what a pilot should expect from a certificate inspection, and how to provide feedback on his or her experience. OAM will require that this pamphlet be provided to every pilot and passenger encountered by OAM agents and officers. It will also be distributed at outreach events similar to the ones listed above.

As a result of CBP's meeting with AOPA leadership, OAM now maintains an open line of communication with AOPA which allows the two organizations to discuss events directly and clear up misunderstanding directly.

Members of the GA community that have met with OAM personnel through interactive forums have expressed positive feedback indicating that they now have a better understanding of the threats to national security and our efforts to combat them while making every effort to minimize the impact on the GA community.

**Non-Intrusive Inspection (NII) Equipment**

**Question:** The fiscal year 2014 House report directed CBP to provide a multi-year investment and management plan for non-intrusive inspection and radiation detection equipment as part of the fiscal year 2015 budget request. Does CBP have a long-term plan for either recapitalizing or replacing its imaging system inventory? If not, when will CBP finalize such a plan and provide it to the Committee?

**ANSWER:** The response is FOR OFFICIAL USE ONLY and will be provided to the committee in an appropriate manner. Also please reference **Table 12** of the *Inspection and Detection Technology Multi-Year Plan* submitted to Congress on March 19, 2014.

The plan is included with the *Inspection and Detection Technology Multi-Year Plan* submitted to Congress on March 19, 2014.

## QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE John Abney Culberson****R. Gil Kerlikowske, Commissioner**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 U.S. Customs and Border Protection Budget Request

April 2, 2014

**Increase Fees to Pay for 2,125 Additional CBPOs**

**Question:** The FY 2015 budget request proposes to add 2,125 more CBP officers, on top of the 2,000 additional officers Congress funded in FY 2014. CBP is basing this request on its Workload Staffing Model which shows that additional officers are necessary to manage the volume of trade and travel. Unfortunately, the budget recommends increasing user fees to fund these additional positions, which requires authorizing legislation and is not under this Subcommittee's jurisdiction. Has CBP talked to the authorizers about this idea? Even if the authorizers successfully pass legislation this year, would you be able to hire any of the additional officers?

**ANSWER:** CBP has briefed the relevant Authorizing Committees on the FY 2015 President's Budget proposal to change certain user fee statutes to fund an additional 2,000 CBP officers (CBPO). The CBP Office of Congressional Affairs is providing additional information and proposed statutory language per the Authorizing Committees' separate submission process.

CBP is currently processing candidates to the fill the 2,000 new CBP officer positions funded by Congress in FY 2014. These positions are expected to be added by the end of FY 2015. If approved, the legislative changes to user fees proposed in the FY 2015 President's Budget would go into effect in FY 2015. User fee collections throughout FY 2015 should allow CBP to begin the hiring in FY 2016 and complete the hiring of the 2,000 additional CBPOs by the end of FY 2018.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE Charles W. Dent**

**R. Gil Kerlikowske, Commissioner**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 U.S. Customs and Border Protection Budget Request

April 2, 2014

**Customs Trade Partnership Against Terrorism (C-TPAT)**

**Question:** Commissioner Kerlikowske, as you know the Customs Trade Partnership Against Terrorism (C-TPAT) program enhances the facilitation of legitimate trade through information sharing between industry and government. While the efficacy and benefits of C-TPAT are evident, the program also introduces a possible risk—that a vetted and trusted party, granted program membership, experiences a change in circumstances that turns them into a potential security threat.

- Will you confirm the length of the participant validation cycle? Has this recently changed to once every 4 years from the previous 3-year validation cycle? If so, please explain the revision.
- Additionally, if the participant validation cycle has changed from 3 to 4 years, how will C-TPAT revalidate businesses that experience changes that could lead to a security threat within its most trusted participants?
- Has C-TPAT considered “targeting” company participants for revalidation based upon changes in circumstances within the company rather than waiting for the lapse of that 3- or 4-year time period?
- Is third-party data being considered as part of this revalidation? If not, what data is being utilized for this purpose?

**ANSWER:** A Customs Trade Partnership Against Terrorism (C-TPAT) Partner is initially validated and then must be revalidated by the program every 4 years as required by the SAFE Port Act of 2006.

Yes, since 2011, all C-TPAT Partners have been revalidated on a 4-year cycle.

CBP previously re-validated its C-TPAT Partners on a 3-year cycle with two exceptions: Mexican highway carriers were revalidated on a yearly basis; and Tier III importers, our most trusted Partners, were revalidated every 4 years.

In 2011, due to budgetary constraints, CBP decided to revalidate all of its C-TPAT Partners on a 4-year cycle, which is consistent with the requirements of the SAFE Port Act.

C-TPAT Partners are required to notify C-TPAT of any major changes that affect their overall operations and security of their supply chains. These changes may include an importer sourcing from a new country; major acquisitions; and heightened security threats in countries of an importer’s supply chain.

It is important to note that Supply Chain Security Specialists are required to vet all of their companies on a yearly basis to ensure that all Partners are still eligible to participate in the program. This annual vetting

requirement ensures that C-TPAT Partners have not been subject to a security incident that the Partner may have failed to report to CBP as required by the program.

Yes. Following a validation or revalidation, should a Partner be found to be in non-compliance with key program requirements, C-TPAT will schedule that Partner for a revalidation prior to the normal 4-year rotation. Additionally, if a C-TPAT Partner is involved in a security breach, the Partner is revalidated in the next calendar year to ensure that all deficiencies have been successfully addressed.

If a C-TPAT Partner undergoes a significant organizational change—such as a bankruptcy, merger, or corporate reorganization that would require the company to have a new name and importer of record number, the new company must submit a new application.

Yes. Since May 2008, C-TPAT has considered independent sources of information specific to a Partner's supply chain security procedures. Many companies, as a matter of private practice, conduct independent security reviews and/or audits of their supply chains. C-TPAT Supply Chain Security Specialists are required to request copies of these reports or audits from C-TPAT Partners. These audits can provide valuable insight to Supply Chain Security Specialists for use during the validation or revalidation visits.

Additionally, since 2009 C-TPAT contracted a vendor that owns and maintains an online database that contains up-to-date country supply chain risk analysis data based on anti-western terrorism activity, cargo disruptions, government and demographic data, and other supply chain security indicators. C-TPAT Supply Chain Security Specialists use this system to help them strategically select locations where validation and revalidation visits need to be conducted.

Not applicable.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE Chuck Fleischmann**

**R. Gil Kerlikowske, Commissioner**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 U.S. Customs and Border Protection Budget Request

April 2, 2014

**Trusted Trader Commercial Participation Incentives**

**Question:** CBP has demonstrated great leadership in preparing the comprehensive trusted trader test program, which I understand is in the final stages of preparation. I'd like to inquire about what CBP is doing to ensure the program has commercially meaningful benefits, which some earlier partnership programs haven't had. Matching high standards with compelling incentives will draw companies to invest in compliance.

- Can you describe the test program, especially how it incentivizes participation?
- When can we expect it to go live?

**ANSWER:** Participation in the Trusted Trader program test will extend trade facilitation to Trade, Participating Partner Government Agencies (PGA) and CBP. CBP seeks to encourage trade entities to participate through incentives not currently available to members participating in both Customs Trade Partnership Against Terrorism (C-TPAT) and Importer Self-Assessment (ISA) if they commit to securing their supply chains, strengthen their internal controls for compliance with the existing laws and regulations administered or enforced by CBP and PGAs. Consideration has been given to trade facilitation measures that are meaningful to specific industry sectors and business models. The Trusted Trader Working Group is made up of Trade, PGAs and CBP representatives to ensure the program framework will serve as partnership program that will result in cost savings and streamlined processing. Incentives for trade include the following:

- Program Participation Efficiencies
  - Efficiencies due to a unified application completion, submission and management (For example, security application is on-line (C-TPAT portal) and Trade application is manually submitted and maintained.)
  - Coordinated security and trade validations, revalidations and annual notifications (currently these activities are managed and satisfied on tangent timelines and processing requirements) will be aligned. An application mapping revealed approximately 80% of the same questions and responses were on both the trade compliance and security application.
- Program Participation Savings
  - Unified on-line application submission
  - Consolidated validation and revalidation visits to address security and trade when possible
  - Coordinated vetting by all impacted CBP program offices and PGAs
  - Combined/consolidated Annual Notification Letters (trade compliance submitted manually) and Annual Security Profile (security submitted on-line portal) review requirements are currently two separate processes
  - Processing savings based on applicable incentives (benefits)
- Incentive Based Cost Savings
  - Reduced Food and Drug Administration targeting/examination risk score.

- Participants may request CBP penalty offset.
- Reduced Non-Intrusive Inspections.
- Movement of goods in lieu of standard re-delivery demands (for non-PGA admissibility related cargo) on multi-container shipments
- Allowance for submission of blanket statements in lieu of transaction by transaction required documentation, e.g. Chemical Abstract Statement.
- Expanded Reconciliation functionality (includes a “blanket” option)
- Front of line processing for Post Entry Amendments
  - Current C-TPAT, ISA and ISA-Product Safety benefits

The Federal Register Notice announcing the test and soliciting test volunteers was publically posted June 16, 2014. The comment period is open for 30 days. The program will go live once all comments have been reviewed and considered and the volunteer participants are selected.

### **Trusted Trader Program Efficiencies**

**Question:** As part of the fiscal year 2015 budget request, CBP calls out efforts to identify overlap and opportunities for efficiency between DHS agencies as part of C-TPAT and other trusted trader programs. Specifically, a joint pilot between CBP and TSA’s Known Shipper program is highlighted to explore overlap.

- What is your response to Indirect Air Carriers that are regulated by both programs and have to contend with the redundancy of TSA and CBP in terms of inspections and site visits?
- Can you comment on the process behind this pilot? How were these two programs able to effectively exchange and compare data on supply chain members of their regulated parties?
- Would you consider this pilot successful in demonstrating that there is an opportunity to eliminate or more effectively manage the duplicative validation visits that occur between these programs?
- If this data is shared to eliminate inspections, which would certainly be desirable, how do you ensure that these two agencies, relying on a single inspection to make critical risk decisions, are actually focused on the same business, person, or product without common nomenclature and standards throughout ITDS?

**ANSWER:** CBP and the Transportation and Security Administration (TSA) continue to pursue alignment of our respective trusted trader programs: CBP’s Customs-Trade Partnership Against Terrorism (C-TPAT) Program and TSA’s air carrier inspection program in furtherance of Global Supply Chain Security (GSCS). C-TPAT and TSA are conducting a “Joint Validation Initiative” that is specific to air carrier operations outside of the United States. One of the major objectives of the initiative is to reduce the number of audits/validations that a company has to endure and also to consolidate resources by CBP and TSA. The initiative has shown that C-TPAT and TSA’s programs overlap in many security areas.

In 2012, CBP and TSA conducted a gap analysis of TSA’s Indirect Air Carrier program and C-TPAT. The Joint Validation Initiative established a joint validation site visit schedule whereby representatives from both agencies conducted joint security assessments on respective air carriers. A Joint Action Plan was established which focused on three phases: 1) a comparative analysis of CBP and TSA Trusted Trader Programs, 2) Joint Validation Visits and 3) Final Recommendations Report and Future Cooperation.

By virtue of the comparative analysis and joint site visits, the security criteria of each respective program accounts for processes which support a holistic air cargo supply chain security approach.

In addition, CBP has provided TSA with training and access to the C-TPAT web portal system. TSA now has the capability to upload documents to the C-TPAT portal system so that personnel from both agencies have



access to this data. CBP and TSA personnel are developing a communication plan to share the outcome of the air carrier security assessments and any other issues which may arise.

Yes.

The joint CBP-TSA initiative promotes the following benefits: streamline respective inspection regimes; increase partnership, collaboration, and communication between agencies to meet a common objective; and improve information sharing amongst agencies to ensure the security of civil aviation.

Whenever a validation needs to be conducted on an air carrier, both agencies will communicate and if necessary, coordinate a single joint validation. CBP and TSA personnel are developing a communication plan to allow for proper coordination and communication of all aspects of a security assessment before and after the validation itself is conducted.

Now that TSA has access to the C-TPAT portal system and its data—including data on all C-TPAT air carriers—both agencies will be able to focus on the same entity to be validated. Moreover, both agencies use the same business identifier, the International Air Transport Association or IATA Code. IATA codes are an integral part of the travel industry, essential for the identification of an airline, its destinations and its traffic documents. These codes are fundamental to the smooth running of hundreds of electronic applications which have been built around these coding systems for passenger and cargo traffic purposes. Finally, in order to eliminate redundancies and ensure that all decisions are clearly coordinated by both agencies, a C-TPAT Supply Chain Specialist will be assigned to the TSA air carrier account.

Success in this initiative will maximize resources of agencies by allowing for greater efficiency when conducting air carrier security evaluations and reducing redundancies in air carrier visits by multiple agencies while increasing the visibility into the cargo supply chain. It will also provide a one-stop shop for carriers by conducting TSA inspections and C-TPAT validations simultaneously. TSA and CBP will remain in close coordination with respect to all aspects of security inspections. The ultimate goal of these efforts is to ensure that, to the extent possible and practicable, both programs operate under common security standards and validation process.

#### **First-time Importer Risk Management**

**Question:** There's been significant focus on First-time Importers at CBP, specifically with respect to their higher incidence of malfeasance and fraud, particularly in avoidance of Anti-dumping and Countervailing duties. As these are, by definition, importers with whom CBP has no existing relationship and has developed no "profile", what is CBP doing to better target these entities, to reduce both the security and financial risks that they pose to the United States?

- Are you using external data sources to identify and mitigate their risk?
- Are you using external or internal data to identify first time importers that have previous relationships with the agency, but are trying to appear as new entities?

**ANSWER:** CBP's Automated Targeting System (ATS) is able to identify submissions that may indicate prior CBP transactions. These transmissions are processed through ATS to identify the risk factor that would increase or decrease the likelihood that CBP will select the shipment for further action such as a physical examination. CBP is also in the process of revising the Importer ID Input Record (CBP Form 5106) to improve our ability to identify the importing entities that conduct customs business with CBP. The revision of this required form will allow CBP to more accurately target for high risk new importers for both security and financial risks.

ATS uses a variety of risk factors including those derived from internal and external data sources to assess the risk of a transaction. These risk factors can increase or decrease the level of risk determined by ATS across a number of threat areas including security, contraband smuggling and trade fraud. The combination of risk factors, taken together, contributes to the determination about what actions including document review or physical inspection CBP will take for the transaction. CBP is also actively engaged with other Federal agencies and trade organizations to develop resources for trade intelligence that enable us to provide accurate risk mitigation and targeting for fraudulent commercial trade practices.

CBP is predominantly using its own internal data along with accessible external data to identify new importers who may be linked to other entities with prior import history. The effort to revise the Importer ID Input Record (CBP Form 5106) will assist with this process. CBP dedicates specialized personnel to maintain awareness of new trends, patterns and entities that can pose a threat to the United States. When links to a previous entity with a CBP encounter are found, personnel will take action to mitigate the risk.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE Member Name Here**

**R. Gil Kerlikowske, Commissioner**

Committee on Appropriations

Subcommittee on Homeland Security

FY 2015 U.S. Customs and Border Protection Budget Request

April 2, 2014

**Public-Private Partnerships for PoE Infrastructure and Operations**

**Question:** Section 559 of the *FY 2014 Consolidated Appropriations Act* provides CBP with new reimbursable services agreement and donations acceptance authorities, which may serve as flexible funding solutions for important infrastructure improvements and service upgrades at U.S. ports of entry (PoE). However, GSA has already worked with CBP to identify a list of priority infrastructure projects in the Land Port of Entry Modernization 5-Year Plan, which currently await the necessary appropriations for their implementation. Will this plan and these priorities be altered if local stakeholders want to enhance additional projects by utilizing authorities under Section 559? I assume that new projects utilizing these authorities will not alter the existing planning and prioritization that CBP has worked with GSA to establish.

**ANSWER:** Currently, CBP does not expect opportunities that may arise under Section 559 to alter the current 5-Year Plan. Although CBP currently projects that those opportunities will not change CBP's planning methodology for the 5-Year Plan itself, other external factors and the latest operational requirements always inform CBP's annual updates to its 5-Year Plan. For instance, CBP continues to experience a significant backlog in needed construction. In addition to the negative impact this brings to CBP's ability to meet its mission, as unmet needs await design and construction appropriations, costs increase due to economic factors. Moreover, during this delay CBP's requirements must evolve to adapt to the latest threat environment and to trends in travel and trade. CBP updates its 5-Year Plan annually to account for these dynamic conditions and to reflect the latest needs and opportunities at the border.

**Trade Facilitation, Trusted Traders**

**Question:** During your confirmation hearing, you noted that one priority would be "international engagement to harmonize and simplify customs practices around the world." A 2013 World Economic Forum report found that Canada's trusted trader program was "widely viewed as a success" because of its account-based clearances, but that C-TPAT was "quite costly" with "purported benefits of faster customs times are minimally realized." I know CBP consults with Canada extensively, but what steps is CBP taking to implement an account-based approach for highly compliant importers?

**ANSWER:** CBP evaluates the findings of these types of reports carefully. The report from the World Economic Forum referenced, "Enabling Trade – Valuing Growth Opportunities" bases its findings on the experience of a single Customs Trade Partnership Against Terrorism (C-TPAT) company. Moreover, in its major 2013 report entitled "Building Resilience in Supply Chains", the World Economic Forum states that programs "such as C-TPAT, which are linked to a set of incentives for business engagement, have proven to be quite effective mechanisms for strengthening partnerships across supply chains" (page 22).

The C-TPAT program has indicated from its inception that C-TPAT importers are four to six times less likely to incur a security or compliance examination. To understand the scope of this benefit it is important to understand the extent to which CBP examination rates have increased since 2001. In 2013 our most trusted partners, C-TPAT importers at the Tier III level, were nine times less likely to undergo a security examination than non-C-TPAT members.

In 2009, CBP asked the Center for Survey Research at the University of Virginia to conduct a cost-benefit survey of C-TPAT partners. Overall, 42.1 percent of businesses reported that the benefits of C-TPAT participation outweighed the costs, and 25 percent said the costs and benefits were about the same.

The greatest tangible benefits of C-TPAT include improvements in the field of workforce security, decreased time to release cargo by CBP, reduced time in CBP inspection lines, and increased predictability in moving goods. Importers also identified a decrease in disruptions to the supply chain. For highway carriers, the major impact has been a decline in their wait times at the borders, as C-TPAT highway carriers are eligible to use the FAST lanes.

The concern that the C-TPAT program fails to provide adequate benefits to companies that voluntarily join the program is one that we have heard in the past from some members of the trade community. The basis of such concern is that companies have borne expenses to enhance their corporate supply chain security practices to be able to comply with program requirements for certification but that membership in the program does not adequately compensate companies for these costs.

To address these types of concerns, the C-TPAT program completed a Cost and Savings Survey in 2010 which is available on the CBP website. The broad story told by the respondents of this survey is that the value of C-TPAT membership goes beyond dollars and cents. It includes risk avoidance, a communal approach to a safer supply chain, being able to compete for contracts that require C-TPAT membership, and taking advantage of the credibility that C-TPAT membership brings.

Harmonization with Canada's Partner-in Protection program, which leads to less redundant validations, the development of a second generation C-TPAT automated system (Portal 2.0), and C-TPAT's work with other Partners Government agencies such as TSA, ensure that CBP will continue to evolve the C-TPAT program in the right direction and with two main goals in mind: ensuring security while expediting the clearance of legitimate cargo at the border.

As a key component of CBP's layered cargo enforcement strategy, C-TPAT will continue to afford tangible trade facilitation benefits to C-TPAT members in light of their demonstrated commitment to adopt stronger security practices throughout their international supply chains.

**Question:** Secretary, as you are well aware, some of the comprehensive immigration reform proposals being discussed require you to assure Congress that the border is secure before certain immigration reforms, such as the path to citizenship, could take place. If DHS cannot develop a comprehensive border control index, how do you suggest we measure your organization's progress, both successes and failures? Without this index, how can you assure Congress that the border is more secure today than it has ever been?

**ANSWER:** DHS measures success utilizing many metrics, each of which paints a different portion of the overall border security picture and each of which informs tactical decision making. In line with this broad focus, the Administration has made significant investments in border security on a number of fronts. While no single metric can individually assess the state of border security, the dozens of metrics we use every day clearly demonstrate significant progress and improved quality of life at the border. CBP is dedicated to continuing this progress towards a safer, stronger and more secure border. The U.S. Border Patrol (USBP) has developed a new

set of performance measures to support its 2012-2016 Border Patrol Strategic Plan to show progress toward enforcement improvements that promote a low risk border.

The measure set contains performance measures that have already begun to inform effectiveness. Beginning in FY 2013 USBP began reporting a Strategic Government Performance and Results Modernization Act (GPRAMA) measure called Percent of people apprehended multiple times, commonly known as recidivism. This measure, along with an accompanying management level measure (Average number of apprehensions for persons with multiple apprehensions), allows USBP to demonstrate its ability to hold recidivism down by applying systematic and consistent consequences to those who attempt to cross the border illegally. Another Strategic GPRAMA measure, the Interdiction Effectiveness Rate, was introduced beginning in FY 2014, and shows the ability to apprehend or turn back would be illegal entrants.

Several other performance measures are in the development stage and will add important context to operations on the border over time. The first is development of an index that will quantify a Situational Awareness methodology along the border. Also under development for is a measure of Border Security Readiness, which will show the readiness status of USBP mission critical elements such as personnel, equipment, infrastructure and training. Lastly, mobility measures are also being planned for the out years to show USBP's ability to deploy a highly flexible, scalable, and mobile force to quickly respond to and overwhelm emerging threats. Taken collectively, these finalized measures will form a measures set that gives an accurate depiction of enforcement performance along the entirety of our borders, as well as specific border areas.

DHS measures success utilizing many metrics, each of which paints a different portion of the overall border security picture and each of which informs tactical decision making. In line with this broad focus, the Administration has made significant investments in border security on a number of fronts. While no single metric can individually assess the state of border security, the dozens of metrics we use every day clearly demonstrate significant progress and improved quality of life at the border. CBP is dedicated to continuing this progress towards a safer, stronger and more secure border. It will be very important going forward to analyze performance with a balanced set of strategic and internal measures and indicators, as no single measure will adequately capture the totality of the state of the border.



WRITTEN STATEMENT OF  
THE AMERICAN CIVIL LIBERTIES UNION

**For a Hearing on the Budget of U.S. Customs and Border Protection  
Submitted to the Homeland Security Subcommittee  
of the House Appropriations Committee**

Wednesday, April 2, 2014

**ACLU Washington Legislative Office**  
Laura W. Murphy, Director  
Georgianne M. Usova, Federal Policy and Research Associate

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**I. Introduction and Background**

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless additional activists and supporters, and 53 affiliates nationwide dedicated to the principles of individual liberty and justice embodied in the U.S. Constitution, we thank you for giving us the opportunity to submit this statement for the record on the FY 2015 Budget of U.S. Customs and Border Protection (CBP).

We urge Congress to help to ensure the safety and protect the civil liberties of individuals encountering CBP in all situations, including in the field, at ports of entry, and in CBP short-term custody facilities, through Department of Homeland Security (DHS) appropriations. Our recommendations, described in more detail below, include:

- Fund the use of body-worn cameras for CBP officials with strong privacy protections;
- Require the public release of investigations into CBP's use of force;
- Require data collection and public reporting on CBP's use of roving patrols and checkpoints;
- Require data collection and public reporting on the use of CBP's drone fleet; and
- Require the implementation of (1) enforceable CBP short-term custody conditions standards, (2) an online detainee locator, and (3) data collection and public reporting on short-term custody.

CBP's budget has skyrocketed in the last decade, from \$5.9 billion in FY 2004<sup>1</sup> to over \$12 billion in FY 2014,<sup>2</sup> with a request from the administration for over \$13 billion in FY 2015.<sup>3</sup> CBP is now the largest federal law enforcement agency in the United States,<sup>4</sup> having more than doubled the number of Border Patrol agents since 2000 from 9,212 to 21,391.<sup>5</sup> Approximately 86 percent of that force is deployed along the Southwest border<sup>6</sup>—totaling about 10 agents per mile.<sup>7</sup> This unprecedented militarization of border communities has exacerbated existing problems such as excessive use of force and racial profiling along both the southern and northern borders, and has continued unabated despite ample evidence that increased resources are not needed to ensure security. The number of apprehensions of unlawful border crossers is near a 40-year low,<sup>8</sup> and net migration from Mexico is now zero or less.<sup>9</sup> Meanwhile, examples of fraud, waste, and abuse within the agency abound.<sup>10</sup> A recent Office of Special Counsel report found that CBP employees abuse the agency's overtime system so habitually that many have come to refer to it as the “candy bowl”<sup>11</sup>—a widespread problem that the agency has been aware of and has failed to take action on since 2007.<sup>12</sup> This is just one example of the culture of impunity

pervasive throughout the agency. Because there has been no parallel investment in oversight and accountability to accompany the increased enforcement resources, DHS is ill-equipped to respond to abuses in its ranks.

As the House Appropriations Committee examines CBP's budget request, Members have the opportunity to demand greater transparency and accountability from this agency that demands such significant taxpayer resources.

## II. Use of Force

Since January 2010, at least 27 people<sup>13</sup> have died following encounters with CBP officials in which force was used. They include minors, U.S. citizens, individuals allegedly throwing rocks, and individuals killed while on the Mexican side of the border.<sup>14</sup> In addition to these fatalities, administrative complaints indicate that CBP officials at ports of entry have a pattern of using force abusively.<sup>15</sup>

### a. Body-worn cameras

The use of body-worn cameras, considered a best practice among law enforcement<sup>16</sup> is growing in police departments nationwide, and can help both to reduce the number of incidents in which force is used and to protect CBP officials from false allegations of misconduct.<sup>17</sup> Wearable cameras are particularly well suited to CBP officials who patrol a wide variety of terrain, both urban and rural, in vehicles, on foot, on horseback, bicycle, ATV, and boat.<sup>18</sup> If deployed along with a strong policy framework to ensure appropriate use and protect the privacy of both CBP and the public,<sup>19</sup> an agency-wide policy mandating appropriate use of body-worn cameras in interactions with the public would provide a measure of much-needed accountability. We recommend funding the implementation of such a policy, which CBP has already committed to following its internal review of the agency's use of force.<sup>20</sup>

### b. Use of Force Policy

Following a 2012 request by Members of Congress to investigate CBP's use of force,<sup>21</sup> investigations into the agency's policy were conducted by the DHS Office of Inspector General (OIG), CBP itself, and the Police Executive Research Forum (PERF), a national nonprofit police research and policy organization. In September 2013, CBP released a short list of commitments to improve its use of force policy, but failed to release the full PERF report or full list of accompanying recommendations.<sup>22</sup> Border Patrol Chief Mike Fisher then publicly rejected two key PERF recommendations, announcing that CBP would continue to use lethal force against people throwing rocks and driving vehicles, and dismissing PERF's recommendations to discontinue these practices as "too restrictive." To date, CBP has refused to make that report public or further discuss the recommendations with the public, even limiting access to Congressional offices seeking more information. We recommend that Committee include report language requiring the agency to make public the results of investigations into CBP policy that have been requested by Congress and funded by taxpayers.

## III. The 100-mile "Constitution lite" zone

Decades-old regulations<sup>23</sup> grant CBP authority to conduct warrantless stops and searches up to 100 miles into the interior of the country—a "Constitution-lite" zone that encompasses a full two-thirds of the U.S. population and nine of the top 10 largest metropolitan areas.<sup>24</sup> In practice, the agency frequently disregards any geographic limitation on its authority, including the current 25 mile limitation on entering private property without a warrant.<sup>25</sup>

### a. Roving Patrols and Checkpoints

CBP sets up checkpoints and conducts roving patrols within the 100-mile zone and beyond.<sup>26</sup> While the Supreme Court has clearly stated that immigration checkpoints may only be used for brief inquiries into residence status and visual inspection of the exterior of vehicles,<sup>27</sup> CBP regularly conducts far more invasive searches and inquiries, and appears in many cases to use these stops as a pretext for general

criminal investigations.<sup>28</sup> This is not only unconstitutional, but seriously disrupts the lives of those in border communities, subjecting individuals to interrogation and a variety of abuses on a daily basis.<sup>29</sup> Complaints filed by the ACLU of Arizona chronicle these rights violations, including prolonged, unjustified detentions, unlawful searches, racial profiling, verbal harassment, physical assault, and more.<sup>30</sup> CBP recently settled a lawsuit involving allegations that its agents routinely made racially motivated traffic stops in Washington State in direct violation of existing policies and the Constitution, the terms of which require CBP to train Border Patrol agents in the area on Fourth Amendment protections against illegal searches and seizures, and to provide the ACLU with data regarding all traffic stops that take place in the area for the next 18 months.<sup>31</sup> We recommend that the Committee include report language requiring the collection and public reporting of such information on CBP's practices nationwide to ensure that CBP is not violating the rights of individuals anywhere in the country.

***b. CBP Drones***

CBP also uses unmanned aerial vehicles (UAVs), or drones, to patrol the border zone. Each of the ten Predator drones owned by CBP costs approximately \$18 million,<sup>32</sup> and from 2005 to 2011 were responsible for just 0.01 percent of apprehensions of those suspected of illegal activity—that's an average cost of \$44,800 per person apprehended and \$7,214 per pound of marijuana recovered.<sup>33</sup> CBP also allows state, local and federal law enforcement to access information from, and to borrow, its fleet of drones for use in domestic surveillance.<sup>34</sup> This essentially converts drones that have been funded—at great taxpayer expense—for the purpose of border protection to general law enforcement use, and a recent FOIA request revealed that it occurred on nearly 700 occasions between 2010 and 2012.<sup>35</sup> According to DHS OIG, CBP has never properly budgeted to support all of its existing aircraft, did not plan adequately for tracking and allocating flying hours, lacked a formal process for managing and prioritizing mission requests, and did not properly seek reimbursement for any expenses incurred while the aircraft fulfilled mission requests from other agencies.<sup>36</sup> The lack of oversight and planning that accompanied the agency's enormous investment in drones, coupled with the questionable constitutionality of providing access to other law enforcement agencies, raises serious concerns, and demands more information for the public that foots the bill. We recommend that the Committee include report language requiring CBP to collect and make publicly available comprehensive data on all missions flown by CBP's fleet of unmanned aerial systems, including those flown by other law enforcement agencies.

**IV. CBP short-term custody**

CBP's short-term custody facilities are designed to detain individuals for up to 72 hours but in practice are often used to hold people for up to two weeks.<sup>37</sup> While extensive resources have been invested in reforming the enormous immigration detention system managed by Immigration and Customs Enforcement (ICE), which is also within DHS, CBP has consistently refused to develop similar publicly available standards for its short-term custody facilities. As a result, immigrants in CBP custody, including a growing number of unaccompanied children,<sup>38</sup> report denial of food, water and medical aid, harsh conditions, overcrowding, and improper and abusive treatment by CBP officials. Little information is available about the safeguards for individuals in CBP custody, the size and demographics of the population in CBP custody, the duration of this population's detention, the internal CBP audit and inspection scheme for short-term facilities, and the circumstances of individuals' release including to whom they are released. Additionally, frequent relocation of those transferred from CBP to the custody of a variety of other agencies, including ICE, the Office of Refugee Resettlement, and the U.S. Marshals Service, makes it difficult for families to keep track of their detained loved ones and attorneys to keep track of their detained clients. We recommend that the Committee include report language directing DHS to (1) implement enforceable standards to govern conditions within short-term custody facilities, (2) develop a short-term detainee locator system equivalent to ICE's online detainee locator system, and (3)



require the collection and reporting of statistics on short-term detention facilities and the individuals housed in them.

## V. Conclusion

CBP's enforcement budget has expanded rapidly in recent years, far out of proportion to investments in oversight and accountability. With the FY 2015 budget, appropriators can begin to change this trend by requiring the agency to shed light on its practices and answer to both Congress and the American people. For questions or more detailed recommendations, please contact Georgeanne Usova at (202) 675-2338 or [gusova@aclu.org](mailto:gusova@aclu.org).

<sup>1</sup> U.S. Dep't. of Homeland Security, Budget-in-Brief, Fiscal Year 2005, available at [http://www.dhs.gov/xlibrary/assets/FY\\_2005\\_BIB\\_4.pdf](http://www.dhs.gov/xlibrary/assets/FY_2005_BIB_4.pdf).

<sup>2</sup> Joint Explanatory Statement, Consolidated Appropriations Act, 2014, Pub. L. 113-76 (2014), <http://docs.house.gov/billsthisweek/20140113/113-HR3547-JSOM-D-F.pdf>.

<sup>3</sup> U.S. Dep't. of Homeland Security, Budget-in-Brief, Fiscal Year 2015, available at <http://www.dhs.gov/sites/default/files/publications/FY15BIB.pdf>.

<sup>4</sup> Immigration enforcement spending now exceeds the budgets of the FBI, the DEA, the Secret Service, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) combined. Doris Meissner, et al., *Immigration Enforcement in the United States: Rise of a Formidable Machinery*, Migration Policy Institute at 12 (Jan. 2013), <http://www.migrationpolicy.org/pubs/pillars-reportinbrief.pdf>.

<sup>5</sup> *United States Border Patrol: Border Patrol Agent Staffing by Fiscal Year*, U.S. Customs and Border Patrol, <http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%20Staffing%20Statistics%201992-2013.pdf>.

<sup>6</sup> Bob Ortega, *Numbers don't back need for lethal force at border*, USA TODAY (Jan. 9, 2014), available at <http://www.usatoday.com/story/news/nation/2014/01/08/lethal-force-border-patrol/4385405/>.

<sup>7</sup> Lauren Fox, *On the Border, Fear of More Security Grows*, US NEWS & WORLD REPORT (Jul. 8, 2013), available at <http://www.usnews.com/news/articles/2013/07/08/on-the-border-fear-of-more-security-grows>.

<sup>8</sup> Bob Ortega, *Border apprehensions up, but still near historical lows*, USA TODAY (June 3, 2013), available at <http://www.usatoday.com/story/news/nation/2013/06/03/border-apprehensions-increase-fiscal-year/2383669/>.

<sup>9</sup> Pew Research Center, *Net Migration from Mexico Falls to Zero—and Perhaps Less* (Aug. 6, 2012), <http://www.pewresearch.org/daily-number/net-migration-from-mexico-falls-to-zero-and-perhaps-less/>.

<sup>10</sup> In recent years, nearly 160 CBP officials have been arrested or indicted on corruption-related charges in federal courts for crimes such as bribery, smuggling, transporting drugs, and selling agency equipment, while another 2,170 have been arrested for off-duty misconduct such as drunk driving, assault, or domestic violence. Greg Moran, *Border boost spiked corruption cases*, U-T SAN DIEGO (Dec. 8, 2013), <http://www.utsandiego.com/news/2013/Dec/08/crossing-the-line/#article-copy>. See also *Border Security: Additional Actions Needed to Strengthen CBP Efforts to Mitigate Risk of Employee Corruption and Misconduct*, U.S. Gov't Accountability Office Report 13-59 (Dec. 4, 2012), <http://www.gao.gov/products/GAO-13-59>.

<sup>11</sup> See, e.g. Emily Wax-Thibodeaux, *Homeland Security workers routinely boost pay with unearned overtime, report says*, Washington Post (Oct. 31, 2013), [http://www.washingtonpost.com/politics/homeland-security-workers-routinely-boost-pay-with-unearned-overtime-report-says/2013/10/31/3d33f6e4-3fdf-11e3-9c8b-c8deeb3c755b\\_story.html](http://www.washingtonpost.com/politics/homeland-security-workers-routinely-boost-pay-with-unearned-overtime-report-says/2013/10/31/3d33f6e4-3fdf-11e3-9c8b-c8deeb3c755b_story.html); Mike Ahlers, *Whistleblowers: Homeland employees earn OT while watching TV*, CNN (Nov. 1, 2013), <http://www.cnn.com/2013/11/01/politics/dhs-whistleblower-overtime/>.

<sup>12</sup> *Abuse of Overtime at DHS: Padding Paychecks and Pensions at Taxpayer Expense Before the Subcomm. on Nat'l Security of the H. Comm. on Oversight and Govt. Reform*, 113<sup>th</sup> Cong. (Nov. 20, 2013) (statement of Carolyn Lerner, Special Counsel, U.S. Office of Special Counsel, available at <http://docs.house.gov/meetings/GO/GO06/20131120/101515/11HRG-113-GO06-Wstate-LernerC-20131120.pdf>. See also *Border Patrols: Arrests Drop as Overtime Rises*, FOX NEWS LATINO (Feb. 4, 2012), <http://latino.foxnews.com/latino/news/2012/02/04/border-patrols-arrests-drop-as-overtime-rises/>.

<sup>13</sup> ACLU of New Mexico Regional Center for Border Rights: Analysis of information gathered from various newspaper articles on deaths (Feb. 2014), on file with ACLU.

<sup>14</sup> *Id.*

<sup>15</sup> Complaint and request for investigation of abuse of power, excessive force, coercion, and unlawful confiscation of property by Customs and Border Protection at ports of entry along the U.S.-Mexico border, American Civil Liberties Union, May 9, 2012, [https://www.aclu.org/files/assets/aclu\\_2012\\_cbp\\_abuse\\_complaint\\_2.pdf](https://www.aclu.org/files/assets/aclu_2012_cbp_abuse_complaint_2.pdf).

<sup>16</sup> See, e.g. Nancy LaVigne, *It's One Smart Step, Not a Solution*, NEW YORK TIMES, Oct. 23, 2013, available at <http://www.nytimes.com/roomfordebate/2013/10/22/should-police-wear-cameras/body-cameras-for-police-could-be-one-smart-step>; Neil Franklin, *Cameras Could Restore Trust in Police*, NEW YORK TIMES, Oct. 22, 2013, available at <http://www.nytimes.com/roomfordebate/2013/10/22/should-police-wear-cameras/body-cameras-could-restore-trust-in-police>.

<sup>17</sup> Nathan Koppel, *Cameras Keep a Close Watch on the Police*, WALL STREET JOURNAL, Feb. 12, 2013, <http://online.wsj.com/article/SB10001424127887323511804578298060326177182.html>.

<sup>18</sup> 16-year-old Jose Antonio Elena Rodriguez was shot to death by Border Patrol agents in a boat who claimed that Rodriguez was in a group throwing rocks from the Mexican side of the border. Cameras would have provided much clearer evidence. Melissa del Bosque, *Are*

*U.S. Agents Who Shoot Mexicans Across the Border Above the Law*, TEXAS OBSERVER (Oct. 22, 2012), available at <http://www.texasobserver.org/lawsuit-could-grant-constitutional-protections-to-mexicans-shot-on-mexican-side-of-the-border-fence/>.

<sup>19</sup> This should include policies regarding control over when recordings are made, access to recordings, subject notification, recording retention and use, and strong technological controls. ACLU, "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All" (Oct. 9, 2013), <https://www.aclu.org/technology-and-liberty/police-body-mounted-cameras-right-policies-place-win-all>.

<sup>20</sup> U.S. Customs and Border Protection *Use of Force Reviews, Recommendations and Next Steps* (Sep. 25, 2013).

<sup>21</sup> [http://www.cbp.gov/xp/cgov/border\\_security/bs/force\\_reviews.xml](http://www.cbp.gov/xp/cgov/border_security/bs/force_reviews.xml); See also Ted Hesson, *Immigration Problems Obama Can Fix Now*, FUSION (Feb. 11, 2014), <http://fusion.net/justice/story/immigration-problems-obama-fix-now-423335>.

<sup>22</sup> Cristina Costantini, *Anastasio Hernandez Rojas Death: 16 Members Of Congress Call For Justice*, HUFFINGTON POST (May 10, 2012), [http://www.huffingtonpost.com/2012/05/11/anastasio-hernandez-rojas\\_n\\_1507274.html](http://www.huffingtonpost.com/2012/05/11/anastasio-hernandez-rojas_n_1507274.html).

<sup>23</sup> U.S. Customs and Border Protection, *U.S. Customs and Border Protection Use of Force Reviews, Recommendations and Next Steps* (Sept. 25, 2013), [http://www.cbp.gov/xp/cgov/border\\_security/bs/force\\_reviews.xml](http://www.cbp.gov/xp/cgov/border_security/bs/force_reviews.xml).

<sup>24</sup> 8 C.F.R. § 287.1(b). The INA was amended in 1946 to grant INS expanded authority within a "reasonable distance" of the nation's boundary. 8 USC §1357. DOJ regulations defined "reasonable distance" as 100 miles in 1957, when there were under 1,500 Border Patrol agents nationwide. See Field Officers: Powers and Duties, 22 Fed. Reg. 236, 9808–09 (Dec. 6, 1957) (to be codified at C.F.R. § 287). There is no public history to indicate why DOJ chose 100 miles as the "reasonable distance." See, e.g., 10 U.S.C. § 849; FED. R. CRIM. P. 7; FED. R. CIV. P. 45.

<sup>25</sup> ACLU, "Fact Sheet on U.S. 'Constitution Free Zone'," (Oct. 22, 2008), <https://www.aclu.org/technology-and-liberty/fact-sheet-us-constitution-free-zone>.

<sup>26</sup> See, e.g., Todd Miller, *War on the Border*, NY TIMES, Aug. 18, 2013, available at [http://www.nytimes.com/2013/08/18/opinion/sunday/war-on-the-border.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/08/18/opinion/sunday/war-on-the-border.html?pagewanted=all&_r=0) (checkpoint stop of Sen. Patrick Leahy 125 miles from the border); Michelle Garcia, *Securing the Border Imposes a Toll on Life in Texas*, AL JAZEERA AMERICA, Sept. 25, 2013, available at <http://america.aljazeera.com/articles/2013/9/25/liv-jing-under-the-law-of-border-security.html>; see also *United States v. Venzor-Castillo*, 991 F.2d 634 (10th Cir. 1993) (finding Border Patrol lacked reasonable suspicion to stop and search vehicle 235 miles from the border); David Antón Armendáriz, *On the Border Patrol and Its Use of Illegal Roving Patrol Stops*, 14 SCHOLAR 553 (2012).

<sup>27</sup> See, e.g. New York Civil Liberties Union, NYU Law School Immigrant Rights Clinic, and Families for Freedom, *Justice Derailed: What Rides on New York Trains and Buses Reveal about Border Patrol's Interior Enforcement Practices* (Nov. 2011).

<sup>28</sup> [http://www.nyclu.org/files/publications/NYCLU\\_justice\\_derailed\\_web\\_0.pdf](http://www.nyclu.org/files/publications/NYCLU_justice_derailed_web_0.pdf); Andrew Becker, et al., *Four of five Border Patrol drug busts involve U.S. citizens, records show*, CENTER FOR INVESTIGATIVE REPORTING (Mar. 26, 2013), <http://cironline.org/reports/four-five-border-patrol-drug-busts-involve-us-citizens-records-show-4312>.

<sup>29</sup> See *United States v. Martinez-Fuente*, 428 U.S. 543, 558–60 (1976).

<sup>30</sup> Complaint and request for investigation of abuses at U.S. Border Patrol interior checkpoints in southern Arizona, including unlawful search and seizure, excessive force, and racial profiling, ACLU of Arizona and ACLU Border Litigation Project (Jan. 15, 2014), <http://www.acluaz.org/sites/default/files/documents/ACLU%20AZ%20Complaint%20re%20CBP%20C checkpoints%20%2014%2001%2015.pdf> [hereinafter "Checkpoints complaint"].

<sup>31</sup> Bob Ortega, *Border patrol hit with abuse complaints*, AZ Central (Oct. 8, 2013).

<sup>32</sup> <http://www.azcentral.com/news/articles/20131008border-patrol-hit-abuse-complaints.html>.

<sup>33</sup> Checkpoints complaint, *supra* note 28; Complaint and request for investigation of unlawful roving patrol stops by U.S. Border Patrol in southern Arizona including unlawful search and seizure, racial profiling, trespassing, excessive force, and destruction of personal property, ACLU of Arizona and ACLU Border Litigation Project (Oct. 9, 2013).

<sup>34</sup> <http://www.acluaz.org/sites/default/files/documents/ACLU%20AZ%20Complaint%20re%20CBP%20Roving%20Patrols%20Oct%209%202013.pdf>; Press Release, *Border Patrol checkpoints in southern Arizona violate the constitutional rights of border residents*, ACLU of Arizona demands investigation, ACLU of Arizona (Jan. 15, 2013), <http://www.acluaz.org/issues/search-and-seizure/2014-01/4418>.

<sup>35</sup> Settlement agreement, *Sanchez, et al v. U.S. Border Patrol*, et al. No. CV12-5378-RJB (Sept. 20, 2013), <https://aclu-wa.org/sites/default/files/attachments/2013-09-23--Fully%20executed%20Settlement%20Agreement.pdf>; see also Press Release, ACLU of Washington State, "Settlement reins in Border Patrol Stops on the Olympic Peninsula" (Sep. 24, 2013), <https://aclu-wa.org/news/settlement-reins-border-patrol-stops-olympic-peninsula>.

<sup>36</sup> Alvin Levin and Jeff Plungis, *Pilots Say Go Slow on Commercial Drones After Ditching*, BLOOMBERG POLITICS (Jan. 29, 2014), <http://www.bloomberg.com/news/2014-01/sanchez-settlement-agreement>, *supra* note 30.

<sup>37</sup> Tom Peter, *Drones on the US border: Are they worth the price?*, CHRISTIAN SCIENCE MONITOR (Feb. 5 2014).

<sup>38</sup> <http://www.csmonitor.com/USA/2014/0205/Drones-on-the-US-border-Are-they-worth-the-price>.

<sup>39</sup> Privacy Impact Assessment for the Aircraft Systems, Dept. of Homeland Security (Sept. 9, 2013), <http://www.dhs.gov/sites/default/files/publications/privacy-pia-chp-aircraft-systems-20130926.pdf>.

<sup>40</sup> Craig Whitlock and Craig Timberg, *Border-patrol drones being borrowed by other agencies more often than previously known*, WASHINGTON POST (Jan. 14, 2014), [http://www.washingtonpost.com/world/national-security-border-patrol-drones-being-borrowed-by-other-agencies-more-often-than-previously-known/2014/01/14/5f987afb-7649-11e3-9556-1a6b7bcbcd84\\_story.html](http://www.washingtonpost.com/world/national-security-border-patrol-drones-being-borrowed-by-other-agencies-more-often-than-previously-known/2014/01/14/5f987afb-7649-11e3-9556-1a6b7bcbcd84_story.html).

<sup>41</sup> CBP's Use of Unmanned Aircraft Systems in the Nation's Border Security, Dept. of Homeland Security Inspector General (May 2012), [http://www.oig.dhs.gov/assets/Mgmt/2012/OIG\\_12-85\\_May12.pdf](http://www.oig.dhs.gov/assets/Mgmt/2012/OIG_12-85_May12.pdf).

<sup>42</sup> Americans for Immigrant Justice, *The Hieleras: A Report on Human & Civil Rights Abuses Committed by U.S. CBP* (Aug. 7, 2013).

<sup>43</sup> <http://ajustice.org/the-hieleras-a-report-on-human-civil-rights-abuses-committed-by-u-s-customs-border-protection-2/>.

<sup>44</sup> FORCED FROM HOME: THE LOST BOYS AND GIRLS OF CENTRAL AMERICA, WOMEN'S REFUGEE COMMISSION (Oct. 2012).

<sup>45</sup> <http://womensrefugeecommission.org/forced-from-home-press-kit>.



April 4, 2013

Mr. Chairman, Ranking Member, and Members of the Committee:

My name is Lilyanne McClean and I am Executive Vice President of Public Policy and Communications for the Greater Houston Partnership (GHP). GHP is the Houston region's primary business advocate representing 2,100 member companies. The Greater Houston Partnership promotes economic development, foreign trade and investment, as well as advocates for efficient and effective government that supports business growth. I come before the committee to discuss why GHP believes adequate levels of Custom and Border Protection (CBP) staffing and resources at Houston's international airports are a necessary investment and should be a priority for the Congress and CBP.

The greater Houston region is one of the largest metropolitan areas in the nation with a population of over 6.1 million and job growth that is growing 2 to 2.5 percent annually. Over the past few decades, Houston has positioned itself as an international center of trade and commerce, the energy capital of the world, and as the headquarters for 25 Fortune 500 Companies. Business is thriving in Houston and in order for this trend to continue, people and goods must have efficient options to travel internationally.

In 2013, George Bush Intercontinental Airport and William P. Hobby Airport, the two main airports within the Houston Airport System (HAS), served 50 million passengers. According to an economic impact study released by HAS in 2010, \$27 billion is pumped into the Houston economy by the Houston Airport System. International travel in particular, has experienced growth, increasing by 60 percent from 2003 to 2013, and is contributing significantly to our prosperous economy. This passenger growth alone equates to 9 million international travelers a year.

Houston is a major international aviation gateway city and it is vital for the Houston region and for the nation's economy that individuals traveling to and from Houston have a positive experience. CBP processing and wait times not only affect passengers' perceptions of an arrival airport's service, but also affect the airport's overall competitiveness (vis-à-vis other international gateway cities), as longer connecting times and missed connections make an airport less attractive to connecting passengers. Frequent international flyers consider the speed and efficiency of customs processing when they choose where to do business and where to visit for leisure travel. Their itineraries are governed by their experiences; therefore, passengers traveling to and from Houston must have a positive traveling experience while using our regional airports.

The demand for international travel in the Houston Region is so high that Southwest recently announced plans to expand their services by flying international out of Houston. Hobby Airport entering the international aviation market in 2016 creates the need for expansion of Federal

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Inspection Facilities and the need for additional customs resources to conduct efficient inspections. Efficient inspections will enable Houston and therefore, the United States to continue to compete on a global scale.

The *Report on Trade Facilitation Study* released in 2011, stated each foreign visitor entering the Houston area, using a HAS airport, is on average associated with between \$1,200 and \$1,700 in exports departing the U.S. from facilities in the Houston area. In order to continue with this trend of prosperity, it is vital that our federal inspection stations are well staffed and trained, with security and customer service as the top priorities, and that our airports have the resources to quickly inspect travelers.

The security of the Houston region and our nation is a main concern to Houston's business community, but we also appreciate that the current system is being stressed by continued growth in population and trade. These factors are eroding the efficiency and productivity of the Houston region.

For these reasons, GHP supports increased allocation of federal CBP resources. Adequate infrastructure and staffing equates to a well-functioning inspection process. We also support outreach and coordination by federal agencies with trade and business stakeholders to improve efficiency and security in the movement of people and goods. Finally, we encourage the full exploration and testing of new technologies and other efficiency measures aimed at minimizing wait times, and enhancing the customer experience at Houston's international airports.

Mr. Chairman, Ranking Member, and Members of the Committee, on behalf of the Greater Houston Partnership we appreciate the opportunity you have provided us today to highlight the benefits of increasing CBP resources at Houston regional airports and we ask you work to ensure that United States continues to thrive and compete in the future economy.

Thank you.

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STATEMENT OF COLLEEN M. KELLEY  
NATIONAL PRESIDENT  
NATIONAL TREASURY EMPLOYEES UNION  
ON U.S. CUSTOMS AND BORDER PROTECTION FY 2015 BUDGET REQUEST  
BEFORE THE SUBCOMMITTEE ON HOMELAND SECURITY  
HOUSE APPROPRIATIONS COMMITTEE

April 2, 2014

Chairman Carter, Ranking Member Price, distinguished members of the Subcommittee; thank you for the opportunity to provide this testimony. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 24,000 Customs and Border Protection (CBP) Officers and trade enforcement specialists stationed at 329 land, sea and air ports of entry (POEs) across the United States.

NTEU applauds the Administration's FY 2015 budget that recognizes that there is no greater roadblock to legitimate trade and travel efficiency than the lack of sufficient staff at the ports. Understaffed ports lead to long delays in our commercial lanes as cargo waits to enter U.S. commerce. **NTEU strongly supported the FY 2014 Omnibus bill that provided funding to hire an additional 2000 new CBP Officers by the end of FY 2015 at the air, sea and land ports of entry. NTEU also strongly supports the Administration's legislative proposal in its FY 2015 budget request to fund the hiring of an additional 2000 CBP Officers paid for by an increase in customs and immigration user fees.**

For years, NTEU has maintained that delays at the ports result in real losses to the U.S. economy. According to the U.S. Department of the Treasury, more than 50 million Americans work for companies that engage in international trade and, according to a recent University of Southern California study, "The Impact on the Economy of Changes in Wait Times at the Ports of Entry", dated April 4, 2013, for every 1,000 CBP Officers added, the U.S. can increase its gross domestic product by \$2 billion, which equates to 33 new private sector jobs per CBP Officer added.

**NTEU strongly supports the increase of the immigration and customs user fees by \$2 each to fund the hiring of an additional 2000 CBP Officers in FY 2015.** CBP collects user fees to recover certain costs incurred for processing, among other things, air and sea passengers, and various private and commercial land, sea, air, and rail carriers and shipments. The source of these user fees are commercial vessels, commercial vehicles, rail cars, private aircraft, private vessels, air passengers, sea passengers, cruise vessel passengers, dutiable mail, customs

brokers and barge/bulk carriers. These fees are deposited into the Customs User Fee Account. Customs User Fees are designated by statute to pay for services provided to the user, such as inspectional overtime for passenger and commercial vehicle inspection during overtime shift hours. User fees have not been increased in years and some of these user fees cover only a portion of recoverable fee-related costs. **In 2010, CBP collected a total of \$13.7 million in Commercial Vehicle user fees, but the actual cost of Commercial Vehicle inspections in FY 2010 was over \$113.7 million-a \$100 million shortfall.**

Increasing the immigration inspection user fee by \$2 will allow CBP to better align air passenger inspection fee revenue with the costs of providing immigration inspection services. According to the Government Accountability Office (GAO) (GAO-12-464T, page 11), fee collections available to ICE and CBP to pay for costs incurred in providing immigration inspection services totaled about \$600 million in FY 2010, however, "air passenger immigration fees collections did not fully cover CBP's costs in FY 2009 and FY 2010."

**Despite an enacted increase in appropriated funding in fiscal years 2014 and 2015 for an additional 2000 CBP Officers, CBP will still face staffing shortages in FY 2015 and beyond. If Congress is serious about job creation, then Congress should support enactment of legislation that increases the IUF and COBRA fees by \$2.00 each and adjust both fees annually to inflation.**

#### **Agriculture Specialist Staffing Shortage**

Ports also perform agriculture inspections to prevent the entry of animal and plant pests or diseases. The U.S. agriculture sector is a crucial component of the American economy generating over \$1 trillion in annual economic activity. According to the United States Department of Agriculture (USDA), foreign pests and diseases cost the American economy tens of billions of dollars annually. Failure to detect and intercept these non-native pests and diseases imposes serious economic and social costs on all Americans. **Staffing shortages and lack of mission priority for the critical work performed by CBP Agriculture Specialists and CBP Technicians assigned to the ports is a continuing threat to the U.S. economy.**

To address CBP Agriculture Specialist staffing shortages at the ports of entry, NTEU supports funding to hire additional CBP Agriculture Specialists and GAO recommendations aimed at more fully aligning Agriculture Quality Inspection (AQI) fee revenue with program costs (see GAO-13-268). According to GAO, in fiscal year 2011, CBP incurred 81 percent of total AQI program costs, but received only 60 percent of fee revenues; whereas the Animal, Plant Health Inspection Service (APHIS) incurred 19 percent of program costs but retained 36 percent of the revenues. In other words, APHIS covers all its AQI costs with AQI fee revenues, while CBP does not. AQI user fees fund only 62 percent of agriculture inspection costs with a gap of \$325 million between costs and revenue. To bridge the resulting gap, CBP uses its annual appropriation. NTEU also supports CBP's efforts to establish an Agriculture Specialists Resource Allocation Model to ensure adequate CBP Agriculture Specialist staffing at the POEs. Release

of the Agriculture Specialist Workforce Staffing Model, initially due at the end of September 2013, however, has been postponed.

### **Foreign Language Awards Program (FLAP)**

NTEU is strongly opposed to the \$16 million cut in the FY 2015 budget for the Foreign Language Award Program (FLAP). Established in 1993, FLAP allows employees who speak and use foreign language skills on the job to receive a cash award if they use the language for at least 10 percent of their duties and have passed the competency test. Congress authorized FLAP as an incentive for CBP Officers and CBP Agriculture Specialists to learn foreign languages to augment duties at the ports of entry in order to better serve the traveling public and their security mission.

Congress understood that these law enforcement officers stationed at U.S. air, sea and land ports of entry were in daily direct contact with international travelers. Facilitation of trade and travel along with port security is a dual mission of these employees. Not only do language barriers delay processing of trade and travel at the ports, for these law enforcement officers, communication breakdowns can be dangerous. Confusion arises when a non-English speaking person does not understand the commands of a law enforcement officer. These situations can escalate quite rapidly if that person keeps moving forward or does not take their hands out of their pockets when requested.

This incentive program, incorporating more than two dozen languages, has been instrumental in identifying and utilizing CBP employees who are proficient in a foreign language. At CBP, this program has been an unqualified success, and not just for employees, but for the travelers who are aided by having someone at a port of entry who speaks their language, for the smooth functioning of the agency's security mission.

Congress should be concerned about the impact on the traveling public and CBP's security mission if this 84% cut in this valuable program is implemented. In the FY 2013 Senate Homeland Security Appropriations bill, Congress encouraged CBP to work with airport authorities to develop a "welcome ambassador" program and cited language within the CBP's FY 2012 *Improving Entry Process for Visitors Report* stating, "[CBPOs are] the first face of the US Government that travelers see at ports of entry. As a visible symbol of our Nation, CBP Officers have an important responsibility."

Incentivizing CBP Officers to attain and maintain competency in a foreign language through FLAP, not only improves the efficiency of operations, it makes the U.S. a more welcoming place when foreign travelers find CBP Officers can communicate in their language, and help expedite traveler processing to reduce wait times. **In a recent U.S. Travel Association Traveler Survey, adding entry processing personnel fluent in foreign languages ranked second in priority--only surpassed by reducing long lines and wait times.**

Pursuant to Title 19, section 58c (f) of the U.S. Code, FLAP is funded with user fee collections rather than appropriations. A portion of customs user fees paid by international travelers fund the availability of CBP personnel with foreign language fluency. It is clear that by reducing the program from \$19 million to \$3 million and reallocating these user fee funds, the incentives available to CBP Officers will be dramatically reduced. Many Officers will drop out of this program that requires ongoing training and testing to be eligible. This result will only add to the perception by international travelers that traveling to the U.S. is an unwelcoming experience and one to be avoided.

### **CBP Trade Operations Staffing**

CBP has a dual mission of safeguarding our nation's borders and ports as well as regulating and facilitating international trade. In FY 13, all revenue collected by CBP exceeded \$41 billion with nearly \$30 billion of that revenue coming from the collection of trade duties. Since CBP was established in March 2003, however, there has been no increase in CBP trade enforcement and compliance personnel. NTEU is concerned that, rather than hiring additional CBP trade operations personnel, the budget proposes to cut trade operations positions including Rulings and Regulations staffers who are responsible for promulgating regulations and rulings, and providing policy and technical support to CBP, DHS, Treasury, Congress, and the importing community concerning the application of Customs laws and regulations.

**NTEU urges the Committee not to cut CBP trade operations staff, but to increase funding to hire additional trade enforcement and compliance personnel, including Import Specialists, at the ports of entry to enhance trade revenue collection.**

NTEU commends the Department for increasing the journeyman pay for CBP Officers and Agriculture Specialists. Many deserving CBP trade and security positions, however, were left out of this pay increase, which has significantly damaged morale.

NTEU strongly supports extending this same career ladder increase to additional CBP positions, including CBP trade operations specialists and CBP Seized Property Specialists. The journeyman pay level for the CBP Technicians who perform important commercial trade and administration duties should also be increased from GS-7 to GS-9.

CBP continues to be a top-heavy management organization. In terms of real numbers, since CBP was created, the number of new managers has increased at a much higher rate than the number of new frontline CBP hires. According to CBP's own numbers, **a snapshot of CBP workforce demographics in September 2014 shows that the Supervisor to frontline employee ratio was 1 to 5.9 for the CBP workforce, 1 to 6.1 for CBP officers and 1 to 6.9 for CBP Agriculture Specialists.**

The tremendous increase in CBP managers and supervisors has come at the expense of national security preparedness and frontline positions. Also, these highly paid management



positions are straining the CBP budget. With the increase of potentially 4000 CBP Officer new hires, **NTEU urges that CBP return to a more balanced supervisor to frontline employee ratio.**

**NTEU strongly urges Congress to end the sequester.** Prior to enactment of the Omnibus, the CBP sequester plan for FY 2015 would have severely restricted CBP's ability to address critical staffing needs at the ports of entry. If Congress doesn't reverse the Budget Control Act, another round of sequestration will be devastating to CBP—requiring furloughs and hiring freezes, reducing services, increasing wait times for trade and travel and jeopardizing national security.

## RECOMMENDATIONS

Funding for additional CBP staff must be increased to ensure security and mitigate prolonged wait times for both trade and travel at our nation's ports of entry. Therefore, **NTEU urges the Committee to end the sequester and include in its FY 2015 DHS appropriations bill:**

- **funding to increase agriculture inspection and trade enforcement staffing to adequately address increased agriculture and commercial trade volumes;**
- **funding to extend enhanced pay and retirement recognition to additional CBP personnel, including Import and other Commercial Operations Specialists, CBP Seized Property Specialists and CBP Technicians; and**
- **require CBP to continue the \$19 million COBRA user fee funding for all FLAP eligible CBP employees.**

Lastly, NTEU strongly supports legislation to allow CBP to increase, by \$2, user fees to help recover costs associated with fee services and provide funding to hire additional CBP Officers. We also support including in the extension of the Travel Promotion Act, that provides CBP the authority to collect a fee to fund the promotion of tourism, a provision requiring a significant portion of fees collected be remitted to CBP to provide additional funding for CBP Officer new hires.

The more than 24,000 CBP employees represented by NTEU are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade, while ensuring that legal trade and travelers move expeditiously through our air, sea and land ports. These men and women are deserving of more resources to perform their jobs better and more efficiently.

Thank you for the opportunity to submit this testimony to the Committee on their behalf.



**WASHINGTON OFFICE ON LATIN AMERICA**  
Promoting human rights, democracy, and social justice

**Written Testimony for the Record Submitted by Maureen Meyer  
Washington Office on Latin America**

**House Committee on Appropriations, Subcommittee on Homeland Security  
FY 2015 Homeland Security Appropriations  
April 10, 2014**

Since 2011 the Washington Office on Latin America's Border Security and Migration project has visited six of the nine regions into which Border Patrol divides the U.S.-Mexico border. On both sides, we have met with law enforcement and migration officials, human rights advocates, humanitarian workers, lawyers, journalists, scholars, and migrant shelter staff.

Our work has made us aware of current U.S. deportation practices that are putting deported migrants at great risk of being kidnapped, extorted, and even killed by drug cartels operating along the border in Mexico. As the House Committee on Appropriations Subcommittee on Homeland Security considers the FY2015 Homeland Security budget, we encourage the Committee to consider the following elements and to direct the Department of Homeland Security to repatriate removable migrants in a manner that protects deportee safety.

We believe that addressing the following concerns will bring greater order and security to the deportation process.

**Night Deportations**

A survey conducted by the University of Arizona found that approximately one in five migrants report being deported between 10:00 p.m. and 5:00 a.m.<sup>1</sup> At this rate, tens of thousands of people have been deported at night. And thousands more will be left in the middle of the night in the coming year if night deportations are not discontinued. Emergency shelters, transportation, financial, and other services are not available overnight in many cities. Night deportations to unfamiliar cities present commonplace challenges, such as finding a place to sleep and figuring out how to communicate with friends and family. Worse, night deportations put migrants at more risk of being robbed, extorted, or even kidnapped. These risks are greatly exacerbated when migrants are deported at night to cities where organized criminal groups routinely operate.

**Deportations to increasingly dangerous Mexican border cities**

Between 2009 and 2012, research conducted by WOLA identified a troubling trend: the United States increased deportations to Mexican border cities in Coahuila and

Tamaulipas even as homicide rates were on the rise in these states. Repatriations to Sonora and Baja California have decreased while homicides in those states have also declined since 2011. Even as indices of violence remain elevated today, deportations to these dangerous cities continue at rates higher than many safer cities on the border.

According to Mexico's National Migration Institute, between 2006 and 2012 deportations to the troubled Mexican state of Tamaulipas increased five-fold, from 25,376 to 122,036. Over the same period, reported homicides there more than doubled. In the first two months of 2014, more Mexicans were deported to Tamaulipas than to any other Mexican border state.<sup>ii</sup>

Tamaulipas' city of Matamoros, which borders Brownsville, Texas, is one of the most turbulent cities in the country. The State Department's January 2014 Mexico travel warning affirms that Matamoros, Reynosa, Nuevo Laredo, all border cities, "have experienced grenade attacks in the past year, as well as numerous reported gun battles."<sup>iii</sup> Tamaulipas also has the highest kidnapping rate in the country. In March 2014, Amnesty International reported an incident in which three Mexican migrant women who had recently been deported from the United States were kidnapped in Matamoros while they were attempting to cash money at Western Union.<sup>iv</sup>

The Department of Homeland Security should work with the Mexican government to identify border cities that present the greatest risks and reduce to the fullest extent possible any deportations to these cities. Migrants who are detained and repatriated from the interior of the United States should not be sent to dangerous cities. If lateral repatriations continue, and U.S. authorities continue to expend the resources to transport migrants through great distances, they should make sure that they are returned to Mexican border cities that have relatively low levels of crime and violence.

#### **Separation of families traveling together in the deportation process**

The practice of "lateral repatriation," officially termed the Alien Transfer Exit Program (ATEP), puts migrants at risk. The practice moves undocumented male migrants—but not their wives or families with whom they were traveling—from the sector where they were detained to another location, often hundreds of miles away. Concerns about the practice of "lateral repatriation" have been rising as documented cases of families being separated in the process continue to mount. ATEP frequently results in the repatriation of Mexican migrants to cities with which they are unfamiliar, and which may lack service providers. When a husband and wife are detained while traveling together, and only he is laterally repatriated, his wife will be repatriated alone. This unnecessarily exposes women migrants to a high risk of assault and sexual exploitation. Deportees are frequently given no information regarding the whereabouts of their spouses. Every effort should be made to ensure that migrant families are kept together during the deportation process.

### Failure to return migrants' belongings to them

The lack of access to services and safety networks is exacerbated when migrants' belongings are not returned to them during the deportation process. According to the University of Arizona study, 39 percent of migrants report losing their possessions during the detention and deportation process. In many cases, their belongings are taken and not returned, particularly as migrants are handed over from one federal agency to another. Migrants carrying cash do not have this money returned to them; instead, they receive a check for this money, which is often only valid at U.S. banks. Without important documents such as IDs, cash, credit and debit cards, and cell phones, many migrants are left stranded in unfamiliar, often dangerous, border cities without the ability to access funds or communicate with family or friends. Municipal police in Mexico have been known to use a migrant's lack of proper identification as a pretext to detain them and rob or extort them while they are in police custody.<sup>9</sup>

### Lack of Adequate Shelters and Services

Civil society organizations and faith-based groups that provide shelter to recently deported people report that U.S. government agencies are not adequately coordinating with them to ensure that the necessary services are available to migrants. These organizations often have crucial information about the schedule and availability of social services, as well as the challenges associated with safeguarding migrants' lives and wellbeing through the deportation process. For example, in Tijuana, just south of San Diego, California, there are 12 migrant shelters. However, the United States has reduced deportations to this service-rich environment by a full third since 2009. In contrast, only one shelter operates in Matamoros, a city that has seen massive growth in deportations.<sup>10</sup> Better coordination with civil society organizations and faith-based groups, in the form of a clear, transparent, and public process, can provide U.S. authorities with critical information as they negotiate local arrangements with the Mexican authorities for the repatriation of Mexican nationals. This would be a simple practice that could meaningfully increase the safety and security of deported migrants.

<sup>9</sup> "In the Shadow of the Wall: Family Separation, Immigration Enforcement and Security" Preliminary Data from the Migrant Border Crossing Study, Center for Latin American Studies, University of Arizona, April 2013. [http://las.arizona.edu/sites/las.arizona.edu/files/LA\\_Immigration\\_Report2013web.pdf](http://las.arizona.edu/sites/las.arizona.edu/files/LA_Immigration_Report2013web.pdf)

<sup>10</sup> Government of Mexico, Secretaría de Gobernación, Instituto Nacional de Migración, "Boletines Estadísticos" (Mexico: Centro de Estudios Migratorios)

[http://www.gobernacion.gob.mx/es\\_mx/SEGOB/V\\_Repatriacion\\_de\\_mexicanos\\_de\\_EUA](http://www.gobernacion.gob.mx/es_mx/SEGOB/V_Repatriacion_de_mexicanos_de_EUA)

<sup>11</sup> U.S. Department of State, Mexico Travel Warning, January 9, 2014

<http://travel.state.gov/content/passports/english/alertswarnings/mexico-travel-warning.html>

<sup>12</sup> Amnesty International Urgent Action, Fear for Safety of Abducted Migrants, UA: 73/14 Index: AMR 41/013/2014 <http://www.amnesty.org/en/library/asset/AMR41/013/2014/en/38e5c42e-ab9a-4a7e-a5de-b5c99a0ab841/amr410132014en.pdf>

<sup>13</sup> Iniciativa Frontera Norte Mexico, "Violaciones a derechos humanos de personas migrantes mexicanas detenidas en los Estados Unidos 2011-2012," <http://programadefensaincidenciabimacional.files.wordpress.com/2012/05/2do-informe-violaciones-a-ddh-de-mexicanos-deportados-de-usa.pdf>

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<sup>vi</sup> Universidad Autónoma de Baja California Campus Mexicali. Instituto de Investigaciones Sociales. Directorio de Organizaciones Sociales que Atienden a Migrantes en la Frontera Norte de México (Mexicali: IIS, 2013) <https://docs.google.com/file/d/0BvHZE7WNNIsfaG9fZmsHdDRrMG8/edit>



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